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Senate

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—Continued

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I ask for approximately 10 minutes.

Mr. BINGAMAN. Mr. President, may I ask my colleague to yield for a unanimous consent request?

Mr. OBAMA. I yield for that purpose.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order of speakers be as follows: Senator OBAMA, 15 minutes from the time of Senator DORGAN; Senator BROWNBACK, 15 minutes from Senator GRASSLEY's time; Senator COLEMAN, 15 minutes from Senator GRASSLEY's time; Senator CORZINE, 10 minutes from Senator DORGAN's time; and Senator BURR, for 10 minutes from Senator GRASSLEY's time.

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

The Senator from Illinois.

Mr. OBAMA. Mr. President, as the previous speaker, I rise to speak on the Central American Free Trade Agreement.

I have thought long and hard about this agreement, and I come to the floor predisposed to support free trade. In the end, I believe that expanding trade and breaking down barriers between countries is good for our economy and for our security, for American consumers and American workers.

On the margins, I recognize that CAFTA, although a relatively modest trade agreement by the standards of the U.S. economy, would benefit farmers in Illinois as well as agricultural and manufacturing interests across the country. The language in the agreement is also optimal with respect to intellectual property and telecommunications, issues that are of particular interest when it comes to trade with other countries, such as China. Unfortunately, CAFTA falls short, as a matter of process and substance, in protecting workers' rights and interests. My colleague, Senator BINGAMAN, mentioned some of those concerns.

I recognize that we should not kid ourselves into believing that voting against free-trade agreements will stop globalization, especially agreements like CAFTA, where the countries involved have combined economies one-sixth the size of the State of Illinois.

Globalization is not someone's political agenda. It is a technological revolution that is fundamentally changing the world's economy, producing winners and losers along the way. The question is not whether we can stop it, but how we respond to it. It is not whether we should protect our workers from competition, but what can we do to fully enable them to compete against workers all over the world.

That brings me to the problem. So far, America has not effectively answered these questions, and American workers are suffering as a result. I meet these workers all across Illinois—workers whose jobs moved to Mexico or China and are now competing with their own children for jobs that pay $7 an hour and offer no health or pension benefits. In town meetings and union halls, I have tried to tell these workers the truth—that the jobs they have lost are not coming back; that globalization is here to stay; and that they are going to have to train more and learn more to get the new jobs of the future.

I don't mind delivering that message. But when these same workers ask me exactly how are they going to get their training and their education, and when they ask what will they do to pay for their health care bills in the interim, and how will they deal with lower wages and the general sense of financial insecurity that seems to be growing every single day, I cannot look them in the eye and tell them honestly that their Government is doing a single thing about these problems.

Since I have arrived in the Senate, I haven't seen us debate—much less pass—legislation that would address these issues. That is the reason I will be voting against CAFTA when it comes up later today.

There are real problems in the agreement itself. It fails to uphold the principles set out in previous trade agreements that say we must give equal protection to the rights of workers and the rights of commercial interests. But CAFTA, while encouraging the protection of commercial rights, does less to protect labor rights than some of the agreements that we have already passed. So there is a sense that we may be going backward instead of forward. Nor does CAFTA do much in the way of enforcing environmental standards in these countries.

I recognize that no piece of legislation is perfect, and if it were just these provisions, perhaps I could do what my colleague from New Mexico has done and obtain a letter of agreement from the White House, indicating they will try to address some of these problems.

But the real problem is more than CAFTA. It goes beyond the four corners of this piece of legislation. The real problem is what is missing, generally, from our prevailing policy on trade and globalization: meaningful assistance for those who are not reaping the benefits of trade, and a plan to equip American workers with the skills and support they need to succeed in the 21st century.

So far, almost all of our energy and almost all of these trade agreements are about making life easier for the winners of globalization, while we do nothing for those who find their lives getting harder as a consequence of trade liberalization. In 2004, nearly 150,000 workers were certified as having lost their jobs due to trade and were thus eligible for trade adjustment assistance—and that number doesn't count the janitors and cafeteria workers who may have lost their jobs.

Senator WYDEN and others have tried to encourage the Administration to

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modernize this assistance and expand it to displaced service workers, but the Administration refuses to help on this issue.

But even beyond displaced workers, our failure to respond to globalization is causing a race to the bottom that means lower wages and stingier health and retiree benefits for all Americans. It is causing a squeeze on middle-class families who are working harder but making even less and struggling to stay afloat in this new economy.

I recognize the soundness of the economic argument that free trade reduces overall prices in this country. But as one downstate worker told me during a recent visit back in Illinois: ''It doesn't do me much good if I am paying a dollar less on a t-shirt, but I don't have a job.''

So now we have to choose. It is a choice that is bigger than CAFTA and bigger than our trade agreements. It is one that America has faced time and time again in our history, and we have responded. To ease our transition from an agricultural to an industrial economy, we set up the public school system, busted up monopolies, and allowed workers to organize. To help us emerge from the Great Depression, we regulated the market, created unemployment insurance, and provided all workers access to a secure retirement. At the end of World War II, we grew the largest middle class in history by providing our returning heroes with a chance to go to college and own their own homes.

Now we face the same choice. We are at the same juncture today. We have to decide whether we are going to sit idly by and do nothing while American workers continue to lose out in this new world, or if we will act to build a community where—at the very least—everybody has a chance to work hard, get ahead, and reach their dreams.

If we are to promote free and fair trade—and we should—then we have to make a national commitment to prepare every child in America with the education they need to compete; to make sure college is affordable for everybody who wants to go; to provide meaningful retraining and wage insurance so that even if you lose your job, you can train for another; to make sure worker retraining helps people without getting them caught up in a bureaucracy; that such training helps service workers as well as manufacturing workers; and that it encourages people to reenter the workforce as soon as possible.

We also have to figure out a way to tell workers that no matter where you work or how many times you switch jobs, you can take your health care and your pension with you always, so you have the flexibility to move to a better job or start a new business.

All of this is possible. It is not going to be easy, and it is not going to be quick. I don't expect the Administration to try to shoehorn all the solutions to the displacements caused by globalization into a single trade agreement. But what I do expect—and I said this directly to the President when I met with him in the White House on this matter—is that we at least have, on a parallel track, an effort to deal with the losers in globalization, our displaced communities and displaced workers. We must not only look after profits and shareholders, but also those folks who are adversely affected by trade. Lower prices are good and important, but we also have to make sure that jobs exist that provide people the opportunity to raise a family.

Mr. President, in order to compete, every single one of us is going to have to work more, think more, train more. I am not afraid of global competition, and I don't think a single American worker is afraid of it. We cannot insulate ourselves from all of the dislocations brought about by free trade, and most of the workers don't expect Washington to do so. On my side of the aisle, we cannot resort to protectionist language over the long term if we are, in fact, going to be looking toward the future of America. We have the talent and the brain power to continue to lead the world in this challenging new century, but now we need the political will. Now we need a national commitment. And that, so far, is what appears to be lacking on Capitol Hill.

In America, we have always furthered the idea that everybody has a stake in this country, that we are all in it together, and that everybody deserves a shot at opportunity. The imbalance in this Administration's policies, as reflected in the CAFTA debate, fails to provide American workers with their shot at opportunity. It is time we gave them that shot.

I yield back my time.

(Applause in the Gallery.)

The PRESIDING OFFICER. Expressions of approval or nonapproval are not permitted in the Senate Chamber.

Who yields time. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 1 hour 32 minutes remaining.

Mr. DORGAN. How much time remains for the Senator from Montana and also on the majority side?

The PRESIDING OFFICER. There remains 1 hour 11 minutes for the Senator from Montana, 5 hours 20 minutes for the Senator from Iowa.

Mr. DORGAN. Mr. President, it would seem to me the Senator from Iowa would want to use some time at this point. I suggest the absence of a quorum and ask that the time run against the Senator from Iowa.

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

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, on this beautiful day in Washington, DC, we are about to create some great opportunities for Kansas farmers, Kansas manufacturers, and opportunities of hope for people in Central America. That is to me what this CAFTA bill represents. I do not want to oversell it. I do not think it should be oversold. I do not think it is a panacea for democracy building or opportunity in Central America. I do not think it is a panacea for all my farmers and manufacturers in the State of Kansas. But I do think it is a little more good in the world, a little more good for opportunities for people in the United States, lowering tariffs and trade barriers in our neighborhood, in this region of the world, a little more good and opportunity for economic chances and opportunities in Central America and the Dominican Republic, chances that do not exist today, chances that are not doing well today in Central America, chances that are hurting the spread of democracy, free societies, even in our own hemisphere.

I was troubled recently when I read a poll published by one of the major newspapers in this country. The poll was asking people in Central and South America would they give up their democracy if their economy would grow. In other words, if a dictator comes in and can produce economic reform and opportunity where you would have a growing economy instead of the stagnant situation you are in today, would you give up democracy?

A surprisingly large number of people said yes. I suppose in their hierarchy of needs, what they were looking at is: Look, democracy is great, but what I need right now is a job, what I need right now is income for my family, what I need right now is to be able to pay my bills and send my kids to school. If I have to give up this other right to do that, I am willing to look at it.

I was very troubled by that poll. I have relatives traveling to Central America talking with me in return about the troubling aspects of what they are seeing in the willingness to give up democracy and the fragility of democracy in our own hemisphere because of a lack of economic opportunity.

I think as well a lot of this is because of the juggernaut China is today, more than we solve by CAFTA. CAFTA is a little more good. CAFTA is a positive step in the right direction for those democracies to build economies and for opportunities for us in this country. It is not opportunities for everybody. There will be winners and some losers, as there are in trade agreements, because on the basis of a trade agreement, each country does what they do best and then you trade goods back and forth. Overall, the economy is lifted. There are people who are dislocated and harmed in these processes.

Overall, there is a betterment of societies, cultures, and opportunities. That

is what I think overall will take place with CAFTA.

I do believe we have an extra issue that is at risk and is rewarded by CAFTA, and that is democracy building in our hemisphere. I do not think it can be put forward too lightly.

While I do not think people in Central America will say, OK, I am going to rejoice with the passing of CAFTA, that this is going to solve all my problems, I do think it will remove a great deal of hope if this does not pass. It will certainly have a negative impact in Central America if it does not pass, and I think we have to look at that as well.

Everybody has heard the numbers until I am sure they are blue in the face. The U.S. tariff regime is one of the lowest in the world, 3 percent. For a State such as mine, Kansas, having open markets is vital for the exportation of agricultural commodities. The aircraft industry is also dependent upon an export market. So additional liberalization should benefit our producers.

About one-third, or $3 billion in farm cash receipts out of a total of $9 billion of gross farm income in Kansas comes from exports. Kansas ranks sixth in the Nation for States with the greatest share of agricultural exports. Movement toward freer economies is helpful in doing that.

I want to focus briefly in the time I have on a couple of specific products that will benefit my State. As I mentioned, we have a heavy agricultural export industry. Agricultural exports support some 47,000 jobs in Kansas. I think, in this particular case, we have a decent chance of expanding more agricultural exports.

Beef is our largest section of the agricultural economy of my State. We are the second largest beef exporter in the country. As I mentioned, it provides the single largest source of cash receipts in agriculture in my State at over $5.6 billion. We believe CAFTA will help the cattle industry.

Pork producers, who add about $252 million to Kansas annually, will also benefit from the trade agreement.

Current import tariffs on U.S. beef exports is as high as 30 percent in some of these countries. Duties on the products most important to the U.S. beef industry—prime and choice cuts—would be eliminated immediately in these Central American countries.

I don't want to paint that again as a panacea because I don't think there is going to be a large initial export. There is not a large market of that cut initially, although there is market opportunity.

The American Farm Bureau Federation economic analysis of CAFTA estimates that Kansas will increase meat exports to the six countries by $130 million per year on the full implementation. That full implementation has a very long window to it, 2024. This is some period to come.

These are economic analyses which are useful to use to generally show trend lines. I have learned enough over the years to not rely upon these as money in the bank because factors come in to play—sanitary issues enter the picture, and we have recently been wrestling with BSE. Those all are major factors. Still, it points to a positive trend line.

As the Nation's top wheat exporter and with State farm cash receipts of $1.3 billion, Kansas wheat producers will benefit from CAFTA. Grain suppliers will benefit from zero tariffs immediately on wheat in all six countries, as well as some processed grain products.

Again, the American Farm Bureau economic analysis of CAFTA estimates that Kansas will increase wheat exports to the six countries by $8 million per year. Again, this is after full implementation of CAFTA. That is some time in the future. Its economic analysis could well be off, but it shows a generally positive trend line—small but positive. That is why I say a little more good in the world for my producers.

I conclude by saying, as we continue to fight this global war on terrorism, we must continue to spread democracy and hope throughout the world. Engaging in free trade practices and policies helps improve relationships with other countries and improves the standard of living in these developing countries. Helping to improve other countries' standard of living will result in a more hopeful society and a more peaceful world.

Certainly we have learned over the years that democracies are far easier and better for us to deal with. If we can help strengthen democracy, particularly in our hemisphere, by this passage, minor as it might be as a positive point, that is a good and hopeful sign and something we should do.

I support CAFTA, and I urge my colleagues to vote in favor of passage of the CAFTA trade agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in support of CAFTA. There are a lot of reasons to support this trade agreement. I came to this decision, by the way, in the last couple of days.

As chairman of the Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs of the Foreign Relations Committee, I understand how pivotal CAFTA is on U.S. foreign policy goals, not just in Central America but Latin America and the Caribbean. There are folks in Latin America looking at this agreement and what we do with it. I think they are going to judge us as to whether we are committed to strengthening this hemisphere, committed to strengthening the democracies that are now in Central America. There have been decades of civil war. We have democracies flourishing in Central America. Every President in those countries was democratically elected. These leaders have come to us and said: We want to reform, we want to grow our economies and strengthen democracy.

CAFTA is important. Democracy in Central America is still fragile. Poverty is endemic. There is weakening enthusiasm for democracy. Pressures are already present in Nicaragua. That is what we have.

We have to be realistic about CAFTA. It alone is not going to ensure democracy or prosperity in Central America, but it will put in place building blocks for economic growth in the future. It will help these nations compete with the face of a rising China and, perhaps most of all, CAFTA is a political message that the United States recognizes how far these nations have come and stands shoulder to shoulder with our democratic hemispheric neighbors. That is important.

I try to guide myself at times by the physicians' adage, which is, ''Do no harm.'' Up until 2 days ago as I looked at CAFTA, it did harm. It did harm to an industry that is very important to me in Minnesota. I represent probably the largest production of sugar beets in the country. People say: You are protectionist of an industry. It is not about an industry, it is a matter of 40,000 moms and dads whose economic livelihood is dependent on what happens with sugar. There is $2 billion a year injected into that economy in that region, and that is important.

As my colleagues know, yesterday the Agriculture Committee chairman, SAXBY CHAMBLISS from Georgia, and I secured a commitment from the White House to address the serious concerns we had regarding CAFTA and sugar. Chairman CHAMBLISS—I don't think they grow a lot of sugar beets in Georgia. In fact, I was expecting by the end of that negotiation that there would be a peach-to-ethanol program coming out of that arrangement, but that did not happen.

Chairman CHAMBLISS made it very clear that he is going to protect the farm bill, see the continuation of the farm bill which is set to expire in 2007.

As we looked at CAFTA as we negotiated, it would have violated the farm bill in that it had the prospect of having sugar from CAFTA countries entering this country, if it reaches a certain level and goes over that—I will not get into the technicalities of the sugar program—one sees the collapse of the sugar program. One sees sugar forfeited to the Government, prices falling, economic disaster for those involved in the sugar industry.

So Chairman CHAMBLISS showed great leadership and great courage in saying he was not going to support CAFTA because it had this hole in the agreement that would in the end perhaps amount to a violation of provisions of the farm bill. He stood firm. Together, then, with a number of our other colleagues, both in the House and the Senate, he had a series of discussions with the administration, with the sugar industry, and got a commitment.

Again, I want to thank Chairman CHAMBLISS, who stood with those of us who represent sugar, though that was not a personal thing. It was simply the right thing to do. That is the way he operates, with good Georgia common sense and that incredible Georgia strength.

The commitment we have from the administration pledges to ensure that the maximum sugar import cap established under the 2002 farm bill will never be violated through the life of this farm bill. So that magic level of 1.532 million tons that we call short tons is not going to be violated. This commitment was made in the context of CAFTA, but the commitment is not limited to CAFTA and that is important. During the course of our discussions, we became aware that other things were going on regarding sugar, that under NAFTA we were facing a situation in which resolving a high fructose corn syrup issue that involves the ability for us to bring more of that into Mexico, the result would have been more Mexican sugar coming into the United States and, again, then going over this level and triggering the collapse of the program.

In the end, as I stood there working for my sugar growers and those whose livelihoods depend on sugar, I wanted to make sure our folks were held harmless by CAFTA. We got that commitment from the administration. We wanted to make sure they were held harmless by the impact of what is happening with NAFTA. We got a commitment to hold them harmless during the course of this farm bill.

Then we were concerned about other trade agreements that are being negotiated at this time. There are discussions with Panama, discussions with Thailand, all of which could have had the same effect of reaching that maximum sugar import cap and violating and causing a collapse of the program. We wanted to be held harmless for that, our sugar growers did, and we got them that commitment.

Under this agreement any sugar imports above the current cap established by the farm bill, whether under CAFTA, NAFTA, or any other trade agreement, would be denied entry into the United States altogether unless an equivalent amount of U.S. sugar is converted into ethanol or other nonfood uses with at least 109,000 tons—and that is what we would have gotten from NAFTA—being converted to ethanol under a pilot program run by the USDA.

In addition, we received a commitment to begin a study on the long-term promise of the sugar-to-ethanol program. That promise is real. I was in Brazil not too long ago. Fifty percent of all the new cars in Brazil run on ethanol. Those cars are manufactured—the largest manufacturer is General Motors, an American manufacturer, and all the ethanol in Brazil is done by sugar. So we know the rest of the world does it. We can do it here.

The commitment has been made. The commitment stands. It is through the length of the farm bill. The farm bill goes for another 3 years, but if it should be extended—and I think it should be—the White House commitment is also extended.

The bottom line is this: Not only do we prevent CAFTA from breaking the farm bill limit on sugar imports, but we prevent NAFTA and all future trade agreements from breaking the farm bill cap as well.

In addition, what we do—and I think this is so critically important—is lay the ground for the long-term future of the U.S. sugar industry which lies not just in production in the United States—because we do not export sugar to other countries; it is for domestic consumption—but production to fuel our country through renewable fuels right alongside corn and soybeans. That is the future.

This country is beginning to understand that we simply cannot deal with the continuing increase in imports of foreign crude. A barrel of oil is $60. A price of a gallon of gas is $2.30, $2.40, $2.50, $2.70. We have our own oilfields, and there are cornfields, soybean fields, and sugar fields, beet and cane. They are providing an opportunity—we have sugar now on the path.

I know many of my sugar farmers and cooperatives do not agree with me on this commitment, do not agree with me on this solution. I respect that. What we have is a concern that they would much rather see a permanent solution. We have permanent solutions now with corn into ethanol and soybeans into ethanol. These are dedicated folks. They sat at the table the whole time.

One of the critics of this proposal or commitment that I have, and I take it seriously, said, this is a Band-Aid on a gaping wound. I would say to my friends at American Crystal, at Minn-Dak, at Southern Minnesota, and other cooperatives and other places throughout the country that, in fact, there is a gaping wound; that the sugar industry is one that is right now in a fragile place. I would argue that rather than a Band-Aid, this is a tourniquet; that for 3 years we stop the bleeding; for 3 years we then will be able to begin to develop a nascent sugar-to-ethanol industry; that we then get ourselves to focus on the next farm bill and try to make sure we have a program that has greater permanence, that has greater long-term security so the kids in Fisher and Hallock and throughout, certainly. Western Minnesota can go to school with moms and dads not worrying about their jobs. I am talking not just farmers but truckers and factory workers and seed dealers and implement dealers. The list goes on and on. Up and down Main Street, sugar makes a positive mark on communities throughout my State. So, for me, this is worth fighting for. It is worth defending. That is what I believe we have done with this commitment.

Without it, the Red River Valley has zero protection from NAFTA, zero protection, obviously, from CAFTA which we are talking about today, zero protection from future trade agreements. Again, under NAFTA alone there is some discussion of perhaps 900,000 tons of Mexican sugar pouring in over the border the next couple of years. Without this protection, without this commitment, prices would tank and the U.S. sugar policy would be placed in serious jeopardy. That keeps me up at night. That worries me.

I am going to sleep a little easier knowing that my farmers are protected with this commitment. That is what we have then, this 3-year window to turn all the attention and energy we had to focus on the past on putting our fires toward creating a positive solution and a future for this industry. That is my choice. That is the future that I choose.

That said, let me be very clear about something, and I want to lay this on the line, kind of talk as we look to the future. Two years ago, I said sugar should not be included in these bilateral regional agreements. We would not have these discussions, if that was the case. Just as domestic support for every other American farmer is not included in these kinds of agreements, sugar was not asking for anything special. The fact is, sugar should not be included in these agreements because the distortions in a global sugar market cannot be addressed fairly in any other setting other than WTO. This has to be addressed on a global perspective; otherwise, what we have is little bits and pieces come in. Ultimately, we flood this country without dealing with what is happening in this global environment.

Europeans have a lot more protective interests and support they provide for their sugar growers than what we face right here. So every sugar-producing country in the world subsidizes and supports this industry, which is why American sugar farmers, who are among the top third in efficiency, need a strong U.S. sugar policy to stand with them.

We did what is right in the Australian agreement, which is why it passed so quickly. For some reason, this common sense did not show through when CAFTA was negotiated. Again, the good news is in the near term we have a commitment from this White House to hold the U.S. sugar program harmless not only under CAFTA but under NAFTA and any future trade agreements.

At the end of the day, let me say that I share the disappointment of those in the sugar industry who want something more permanent, but I do feel I have to grab hold of the possible when the optimal seems to be out of reach. I think politically it would be easy for me to just cast a ''no'' vote, just say to my producers the industry does not like this and kick the can down the road. Then, if 900,000 tons of NAFTA

sugar gets dumped in, I can maybe pretend that it is just enough to be angry, just enough to say why did we not do something.

The easy thing is not always the right thing to do. Sometimes when one is dealing with friends, they have to be told they are wrong. Sometimes leadership is letting people know that we have to go to a certain place even if they do not yet see the righteousness of going there.

The right place to be is to have this insurance policy, to have protection from CAFTA, from NAFTA, from future trade agreements, and really important, get us involved in the sugar-to-ethanol industry.

Last comment: I listened as I sat in the Presiding Officer's chair to a lot of debate. I heard so many of my colleagues today saying we have to be doing more for Central America, except the one thing Central Americans say they want and need most. It reminds me of a joke we have in Minnesota about the Scandinavian guy who loved his wife so much he almost told her.

I listened to my friends across the aisle and they tell me they care so much, and we have to be doing more, but they do not want to do anything. They want to protect the workers, those in Central America, give them economic opportunity. Listen to their elected leaders who say this is important rather than lamenting what we should have done or could have done but did not do.

We have an opportunity to do something, and that is what we are doing. In the end, my decision was only made in the last couple of days because the concern about sugar has been so great. Maybe it is the dad on me who focuses not so much on the ones who are doing well but the ones who need a little help. Our friends in sugar needed a little help after this agreement was negotiated. We provided that help.

Doing that, I can then stand with all the other producers in my State: the commodity groups, the cattlemen, the corn growers, the soybean growers, the pork producers, the businesses, the chambers of commerce, the high-tech folks, the 3Ms—all who say this is a good thing for jobs in Minnesota, this is a good thing for the economic future, and as a result I will cast my vote for CAFTA.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that my time be charged against that of Senator GRASSLEY, please.

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

Mr. CHAMBLISS. Mr. President, I first want to say thanks to my good friend from Minnesota for his kind comments. I am going to have more to say about him in a few minutes. The one thing we all find out in this great institution that we have the privilege of serving in is that everybody in their own way represents, in a very strong manner, the constituents who sent them here. Nobody has represented their constituents better over the last several weeks relative to this issue of CAFTA, and particularly the sugar issue, like NORM COLEMAN has.

Senator COLEMAN has been a true advocate for the interests of his State. They need to erect a big sugar beet for him and call it the Senator COLEMAN Memorial back in Minnesota.

I rise today to support the Dominican Republic-Central America Free Trade Agreement or DR–CAFTA. Earlier this year, I expressed opposition to DR–CAFTA since a provision in the agreement violates a part of the 2002 farm bill.

As chairman of the Senate Agriculture Committee, I have a responsibility to the agricultural community to ensure Congress fulfills the commitments that we made to farmers and ranchers back in 2002 when we negotiated the farm bill and when it was passed by the House, by the Senate, and signed into law by the President.

My specific concern centered on a provision that severely impacts the implementation of the farm bill by increasing sugar imports into the United States.

We grow very little sugar in my State. This is not a parochial interest to me. Senator COLEMAN is right, perhaps I should have negotiated a peach, tobacco, or cotton ethanol provision in here. My whole point in this matter is that we have to maintain the integrity of the farm bill. It could just as easily have been a corn issue, wheat issue, or a peanut issue, but it just happened to be sugar. This could potentially result in exceeding the import trigger provided for in the farm bill.

Exceeding the import trigger is of utmost concern because it is designed to manage domestic supplies and ensure the program operates at a no net cost to the U.S. taxpayer. The DR–CAFTA could compromise that trigger when combined with existing commitments to Mexico under the North American Free Trade Agreement, or NAFTA.

In addition, the so-called compensation mechanism in the DR–CAFTA does not provide any additional comfort. I do not think it is a good idea to pay other countries not to import sugar into the United States when we can use those resources to promote fuel security here at home. I believe we all should be chastised back home if we let that happen.

There have been several long weeks of discussions between the administration, which included the White House, USDA and USTR officials, Senators and House Members, and industry representatives. After much hard work, the administration has agreed to a proposal that addresses my concerns relative to this trade agreement.

Secretary Johanns has sent me a letter that provides assurances that the sugar program will operate as we originally intended through the 2007 crop year. Furthermore, the Secretary committed to holding the sugar program harmless for the next 2½ years, to the completion of this farm bill, from any harmful effects of CAFTA, of NAFTA, and of any other trade agreement that may be negotiated during the interim period.

Mr. President, I ask unanimous consent the Secretary's letter be printed in the RECORD.

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

THE SECRETARY OF AGRICULTURE,
Washington, DC, June 29, 2005.

Hon. SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Russell Building, Washington, DC.

Hon. BOB GOODLATTE,
Chairman, House Agriculture Committee, Longworth Building, Washington, DC.

DEAR CHAIRMAN CHAMBLISS AND CHAIRMAN GOODLATTE: The purpose of this letter is to provide assurance that the Dominican Republic-Central America-United States (CAFTA–DR) Free Trade Agreement will not interfere with our ability to operate the sugar program in a way that provides the full benefit to domestic growers through the remainder of the Farm Security and Rural Investment Act of 2002.

The Farm Bill contains a sugar ''import trigger'' of 1,532 million short tons which if exceeded precludes the use of domestic marketing quotas and thus could prevent the program from being operated on a ''no net cost'' basis as required by the law.

Since the U.S. Government already is obligated under international agreements to import annually 1.256 million short tons, there is some concern that annual imports from NAFTA, CAFTA, and other trade agreements in addition to this amount could exceed the Farm Bill trigger and thus jeopardize operation of the program. However, the Charter Act of the Commodity Credit Corporation (CCC) provides additional tools required to preclude that eventuality.

In the event I determine that sugar imports will exceed the current Farm Bill trigger, appropriate steps will be taken to ensure the program is not put at risk. As Secretary of Agriculture, I have the authority to preclude the actual entry of imported sugar into the domestic sweetener market by making payments to exporters and direct purchase of the sugar for restricted (nonfood) use, including ethanol. It would be my intention to use agricultural commodities in payments or to make direct purchases.

Two possible situations could obtain:

If I determine that the Farm Bill import trigger will be exceeded and that the domestic market is adequately supplied with sugar (i.e., that the imported quantities above the trigger will jeopardize sugar program operation), then I will direct that excess imported sugar up to an amount equivalent to the CAFTA–DR imports be purchased by CCC and be made available for conversion into ethanol. Excess sugar above that amount could either be precluded entry by payment to exporters or made available for non-food use, as I deem appropriate.

If I determine that the amount of sugar that can be provided by domestic growers plus the minimum import requirement is insufficient to meet the domestic market's needs and that imports sufficient to do so will exceed the Farm Bill import trigger, then those imports will be allowed and no sugar would be diverted for conversion to ethanol.

In addition, USDA will undertake a study of the feasibility of converting sugar into

ethanol. Data obtained from any conversion of sugar to ethanol, as noted above, will become a part of the study analysis. This study will be completed and submitted to the Congress not later than July 1, 2006.

Such actions would ensure that the Farm Bill trigger is not exceeded to the disadvantage of growers and that U.S. sugar procedures will still have a share of the market no less than the amount provided for by the Congress through the sugar program.

I will establish a special monitoring mechanism to review all U.S. Customs, Bureau of the Census, and other import data through the year. This mechanism will enable me to stay apprised of the pace of imports and to use the Charter Act authorization in a timely manner. Also, the Office of the U.S. Trade Representative has analyzed this approach and concluded that it is not inconsistent with our World Trade Organization obligations.

Sincerely,

MIKE JOHANNS.

Mr. CHAMBLISS. Specifically, if the farm bill import trigger is exceeded and the domestic market does not need additional quantities, then the excess imported sugar, up to an amount equivalent to the DR–CAFTA imports, will be purchased by the Commodity Credit Corporation and made available for conversion into ethanol. Excess sugar above the trigger in the DR–CAFTA amount would be precluded entry by payment to exporters or preferably directed to other nonfood uses, such as additional ethanol production.

I think this is a very important development, since it is the first time the Department is committing itself to a sucrose-to-ethanol program. The Department will also conduct a feasibility study examining the economics of sucrose-based ethanol. The study will be completed and submitted to the Congress not later than July 1, 2006. This should be enough time for us to use the information contained in the study to develop a long-term future program for the sugar industry in the next farm bill.

On Tuesday of this week, we passed a very historic bill in this body. Our country has the greatest natural resources of any country in the world, but yet we have never established a long-term energy policy. For the first time in the history of the country we passed an Energy bill that will move us in the direction of becoming less dependent on foreign imports of oil for our petroleum and other fuel needs in this country. A major part of that Energy bill was a provision for alternative fuel resources like ethanol. In fact, there is a provision in there for the production of 8 billion gallons of ethanol per year in this country, which would be great if we could produce that amount and have it available all across America and not in the limited areas where it now is used.

The reason it is in limited areas today is because we simply do not have the production of organic-based material to provide ethanol all across America. But with this provision that has been negotiated as a part of this agreement with the Secretary and USTR, we are going to take another crop, sugar, and we are going to convert sugar into ethanol in much the same way that we convert corn into ethanol, so we can have a greater supply of an alternative fuel, other than gasoline, for use by the American consumer.

Under this agreement, the Secretary will have the ability to meet any changing domestic market conditions. If the amount of sugar provided by domestic growers, plus the minimum import requirement, is insufficient to meet the domestic market's needs and imports sufficient to do so will exceed the farm bill import trigger, then those imports will be allowed and no sugar would be diverted for conversion to ethanol.

Another important aspect of this agreement will ensure that the USDA will review all U.S. Customs, Bureau of Census, and other import data to monitor imports throughout any given year. Many of us have heard criticism with regard to past trade agreements about lax enforcement and implementation of their provisions to the detriment of our producers. This will help address those concerns.

In spite of the letter from Secretary Johanns and the assurances of the administration, the sugar industry opposes this agreement and will not support passage of this trade agreement. While I may disagree with their conclusions, that is their right. I want to say, at this time, that we have had a number of meetings between Members of the House, Members of the Senate, members of the industry—which have included USTR and other administration officials, including Secretary Johanns. We have had meetings with them and without them. At every single crossing, the sugar industry has negotiated in good faith and they have been very straightforward and above board with us. I commend those men.

It is a great country that we live in that will allow us to dialog over an issue that is so important, as is this, to those farmers, to the Members of the House, and the Members of the Senate, as well as to others who have a significant interest in this, and to come out at the end of the day with an agreement with which some of us agree but with which others still have the opportunity to disagree.

This agreement can be a real building block for sugar provisions in the next farm bill. Let me emphasize that my concerns have been fully satisfied, and I do plan to vote in favor of DR–CAFTA.

This trade agreement is also important to many people in my home State of Georgia. I have heard from many workers who will reap the benefits of increased trade with Central America and the Dominican Republic. Reducing trade barriers will not only enhance American economic growth but will greatly benefit businesses in Georgia as well, by allowing more Georgia-made products to be sold into Central America.

The DR–CAFTA region is an important trading partner with Georgia. Georgia's exports to the DR–CAFTA region increased $113 million from 2000 to 2004, and collectively the countries of DR–CAFTA were Georgia's 9th largest export destination.

According to the Department of Commerce, the DR–CAFTA will help Georgia's textile manufacturers, chemical and paper manufacturers, as well as Georgia's farmers, because DR–CAFTA provides U.S. suppliers with access to these markets and levels the playing field with other competitors.

Let me take a moment to praise the efforts of the Secretary Mike Johanns and U.S. Trade Representative Rob Portman for their hard work and their tireless efforts. These officials addressed each and every issue that we discussed. Without their good-faith efforts, this agreement simply would not have been possible.

Special note should also go to my good friend, Senator NORM COLEMAN. His leadership and hard work in this effort has only increased my enormous respect for him. We have worked very closely over the past couple of weeks helping lay the foundation for a long-term and profitable future for the U.S. sugar industry. He is a workhorse, and I want him on my side every time.

Let me conclude by saying I am very pleased with what we have crafted. This agreement will protect the sugar industry for the next 2½ years, through the life of this current farm bill. It deserves the support of the Congress. I look forward to voting for DR–CAFTA.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. CORZINE. If the chair will be so kind to let me know when I have 2 minutes left?

The PRESIDING OFFICER. Certainly.

Mr. CORZINE. Mr. President, let me say from the start, I have thought about this long and hard. I believe in the seriousness and the potential for free-trade agreements. But after looking at this particular one, and looking at it in the context of our overall macroeconomic policy, I am unfortunately going to have to vote against this proposed Dominican Republic-Central America-Free Trade Agreement.

I have supported other agreements: Australia, Jordan, and Morocco. I believe in comparative advantage. There are lots of good reasons why free-trade agreements that are fair are ones we ought to promote. But they need to preserve and protect important labor, environmental, and security interests as well. I do not think this one does that. As a matter of fact, a trade agreement between the United States and Central America with the proper safeguards I think is a good thing. I just do not believe that we have embedded those in this particular agreement.

American workers justifiably feel insecure in today's economy, particularly with the outsourcing or exporting

of American jobs that comes from so much of our trade policy. People are concerned whether those American jobs are going to stay at home. The increasing trade deficit puts an exclamation point on ''there is something afoul'' with our trade policy.

All I have to do is point to this chart. Since 1993, when we started with NAFTA to where we are today, we have seen nothing but red ink flow from the trade agreements and trade arrangements that we have. Something is not working.

I would like to understand how this agreement is not just another piece, another one in a long line of bad trade agreements. Before we rush forward with this, I would like to understand what is happening that has brought about this kind of problem. We have a $617 billion trade deficit on an annualized basis this year. I believe we have a lot of evaluation that needs to be taken before we step forward on this. We are clearly on the wrong track, based on the policies that we have.

On a parochial level, since NAFTA was implemented back in 1994, New Jersey has lost 130,000 manufacturing jobs. We used to have about 25 percent of our workforce in the mid-1980s in the manufacturing industry. Today it is below 9 percent.

We have seen the textile industry in New Jersey absolutely decimated. From the economic calculations that I have seen, 46,000 of those 130,000 manufacturing jobs lost were due to NAFTA.

We had great companies—Allied Signal, American Standard. All of Patterson's textile industry left our State. We have had enough of it. I think we need to understand what we are doing and what the implications are for working men and women of this country of another free-trade agreement.

If you put this into a context that the gross metropolitan product of the city of Newark is $103 billion, and this is only $85 billion for all these countries—I don't understand why this is such a priority, particularly given all the other issues that we have in this country and particularly while we are thinking about it in the context of a $617 billion trade deficit.

I don't think we have our priorities ordered right here. I particularly think we do not have them ordered right when you compare this issue with our trade deficit with China, which is $162 billion. This, I am told, is the No. 1 priority of the administration with regard to trade policy. Where does that come from, when we have all of these difficulties in our trade arrangements?

China has had a fixed currency pegging versus the dollar since the late 1990s, not working to protect intellectual property rights between our two countries, and there are all kinds of enforcement issues with the WTO. I don't get it. Where are our priorities? We have a $617 billion trade deficit. We are talking about something that will be a minuscule piece of that. And we are doing it with a blind eye to major problems in our trade policy.

That is the major reason I am voting against it. There are a whole host of other issues that need to be considered. What happens to labor rights and what happens to environmental rights not only with regard to our workers but in those countries themselves? Where are we going to go, when we look at the lack of enforcement with regard to labor principles in those individual countries? The same thing goes for environmental issues. I don't understand why we are ceding the ground on these issues. Believe me, we have enforcement standards with regard to commercial rights and investment rights, but when it comes to working men and women, when it comes to our environmental protection—which, by the way, is a global issue—we just say it is up to them with regard to their own standards.

That is not the way to do business, in my view, and I think this is a failed piece of legislation. It is a step back from what we did with Morocco and Jordan and other trade agreements that had positive enforcement responsibilities with regard to labor and environmental rights. This harms workers in those countries, not only harming workers in the United States.

There is a very clear example. I want to talk a little bit about it. NAFTA's liberalization, so-called, was supposed to promote job growth in Mexico. It lost 1.7 million rural farmers their access into the agricultural sector in Mexico, with the only increase, of about 800,000 new jobs, in the industrial sector. Some of those are now leaving because they are losing out to other parts of the world that have even lower labor standards and environmental standards and lower costs of labor. There is something wrong with this vicious cycle of eroding jobs here at home, even in some of the places that we think we are promoting them, through these free-trade agreements, and we have to get this settled out.

I do not understand why we continue to stay on the same track—and I am an old, washed-up businessman. I believe in making sure the comparative advantage follows in the proper way. If it turns out you go from a balanced trade arrangement to a $617 billion trade imbalance in a given year, and you have seen almost nothing but a straight line fall off in our ability to export our goods on a relative basis to the rest of the world, we are making a big mistake, and we have a lot to reevaluate.

It is time for a change with regard to our trade policies because they are not working economically and we are losing our ability to control our own destiny in our foreign reserves in other countries. It is not working because we are losing jobs at home and undermining working men and women's ability to have a high-quality standard of living, and we are not particularly helping others overseas. It is not a net boom for the countries we think we are trying to support.

If we are not going to have strong labor, strong environmental rights, if we are not going to get some kind of benefit, a major macroeconomic benefit, I don't understand why we are approving all of these trade agreements. That is why I will be voting no on this CAFTA legislation before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield myself 10 minutes from the time of Senator GRASSLEY.

Mr. DORGAN. Mr. President, I shall not object, but I wonder if I might add to the unanimous consent request. Senator DEWINE has asked for 10 minutes of Senator GRASSLEY's time; we ask that Senator BYRD be recognized for 20 minutes from my time following the presentation by Senator DEWINE; following that, Senator BURR be recognized for 10 minutes from Senator GRASSLEY's time; following that, Senator REID will be recognized for 10 minutes from Senator BAUCUS's time. I ask that by unanimous consent.

The PRESIDING OFFICER. Would the Senator specify which Senator REID?

Mr. DORGAN. Senator REID from Nevada.

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

Mr. DORGAN. Thank you. I apologize for interrupting my colleague.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, DR–CAFTA is good for my home State of Ohio, and it is good for our country.

I was in the House of Representatives in the 1980s when significant strides were made toward democracy in Central America. We all remember that struggle. We all remember the resources that were put into Central America by the United States. It is time for us to refocus on Central America. If Central America is going to flourish, if democracy is going to continue in Central America and the economy is going to develop there, this is an essential component of that, an essential piece of that. While it is true that DR–CAFTA is only one piece of the puzzle, it is an important piece in determining the economic health of our neighbors to the south. Also, it is important to our own Nation as well.

DR–CAFTA is about fairness. It is about reciprocity. It would provide U.S. exporters with the same market access to Central America that Central American exporters unilaterally received through the past 20 years through various trade agreements. These trade agreements led to a one-sided lowering of tariffs. Currently, approximately 80 percent of Central America's exports enter the United States duty free. This unilateral tariff reduction helped Central American countries export to the United States but left U.S. producers facing steep and often prohibitive tariffs when they

tried to export their own goods into Central America.

With DR–CAFTA, more than 80 percent of U.S. manufacturing exports to the region will be duty free immediately, and the remaining tariffs will be phased out over 10 years, including the up to 15 percent tariffs on some of Ohio's top exports to the region such as chemicals, electrical equipment and appliances, machinery, plastics, rubber, paper, processed foods, and transportation equipment. For Ohio's agricultural producers, DR–CAFTA would eliminate tariffs on 50 percent of U.S. exports immediately and most remaining duties within 15 years.

A perfect example of the benefits of DR–CAFTA is a situation faced by Heinz. Heinz has a catsup production facility in Fremont, OH, where they produce 80 percent of the catsup consumed in the entire United States. Heinz also produces numerous other condiments throughout the United States. Yet Heinz faces 15 to 47 percent tariffs on their products when they try to export to Central America. DR–CAFTA will change that. CAFTA will help ensure that the up to three generations of workers in Fremont, OH, in that factory will have jobs for themselves, jobs for their children when they grow up. This is just one example of why Ohio needs DR–CAFTA and why this entire country needs DR–CAFTA.

Another good example is Polychem, located in Mentor, OH. They have been in business for over 30 years. They have grown to more than 200 employees. They manufacture industrial strapping but cannot export into the Central American market competitively now because of high tariffs. DR–CAFTA would level the playing field for Polychem, allowing them to expand their exports and grow jobs in Ohio.

By requiring Central American countries to lower their tariffs on U.S. products, the United States would be able to sell into a consumer base 45 million strong that already today buys American. The 45 million citizens represented by the DR–CAFTA agreement purchase today more U.S. goods than the 1.53 billion citizens of India, Indonesia, and Russia combined. DR–CAFTA will simply increase that.

Not only do these consumers already buy America but, significantly for my State, they buy Ohio. In the past 5 years, Ohio exports to the DR–CAFTA region have grown by 90 percent, far outpacing their demands for exports from any other State in America. In 2004 alone, Ohio exported $197 million in manufactured goods to the region, including chemical and manufacturing goods, plastics, rubber products, fabric milled goods, electrical equipment, and appliances. These are just the largest categories. Each and every Senator could easily come to the Senate today and add a list similar to this.

The list of DR–CAFTA support is long in my home State of Ohio. In Ohio, the Ohio Pork Producers Council, the Ohio Soybean Association, the Ohio Poultry Association, the Ohio Dairy Producers, the Ohio Cattlemen's Association, the Ohio Farm Bureau, the Ohio Farm Growers, and the Ohio Wheat Growers Association all support DR–CAFTA. Those are just the supporters in the Ohio agricultural sector.

While many are helped by free trade, we understand whenever we have free trade legislation or free trade there are some individuals in society who are hurt. We need to make sure we always are concerned about them, that we pass legislation that assists them, and we must continue in this Congress to do that. Yet if we turn our backs on free trade, we would ultimately have far more unemployed Americans, and our economy would be a fraction of what it is today.

For example, in the first year after the enactment of the United States-Chile Free Trade Agreement, Ohio's exports to Chile grew 20 percent; and since NAFTA was enacted in 1993, Ohio's combined exports to Canada and Mexico have increased by more than 106 percent. More exports means more jobs for Ohio and more jobs for our country as a whole.

Mr. President, as I said already, DR–CAFTA is good for Ohio, it is good for the United States. I urge my colleagues to vote in favor of this important free-trade agreement. But let me say one additional thing. As much as I support DR–CAFTA, there is something else that needs to be done, and that is this Congress needs to pass trade legislation that will assist the country of Haiti.

Last year, the Senate passed an important trade bill for Haiti, only to see that trade agreement die in the House of Representatives. I have raised this issue with the administration and with my colleagues in both the House and the Senate. Haiti, the poorest country by far in our hemisphere, arguably needs our attention the most. To leave them out and to not pass trade legislation to assist them is shortsighted, it is wrong, and it is not helpful. We make a mistake by leaving them out.

If nothing is done by this Congress soon to pass a trade agreement that will be of assistance to Haiti, it will really be a deathblow to what remains of Haiti's economy, and we will be seeing boats swollen with Haitians heading back to our shores again.

Mr. President, I simply implore my colleagues, as well as the Bush administration, that after CAFTA is passed, we look again to legislation that I have proposed with many of my colleagues to be of assistance to Haiti. It is the right thing to do from a humanitarian point of view, but it is also the right thing to do from a foreign policy point of view as well.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BURR). Under the previous order, the Senator from West Virginia is recognized for 20 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, on April 6 of this year, Senator DORGAN and I introduced S. Res. 100, a resolution to prevent a 2-year extension of the so-called fast track or trade promotion authority, which the Congress granted the administration in the Trade Act of 2002. If our resolution were approved, existing fast-track negotiating authority would expire this year. If only it would. If only it would. Wouldn't it be ideal if it would expire? I think so. But, instead, it will be extended through 2007. That is a crying shame.

Senator DORGAN and I introduced that resolution of disapproval to fast track because we oppose giving any executive—any chief executive, Democrat or Republican—the unfettered authority to negotiate trade agreements such as CAFTA which cannot be amended by the Congress. It cannot be amended. All of this praise I hear of CAFTA—we have too little time here to consider and no time to amend. We cannot amend. Too little time. Too much praise. Too much short shrift. Too much short shrift is given to this, the Constitution of the United States, which I hold in my hand. Yes, too much praise, too little time, too much short shrift.

I opposed fast track when it was used to negotiate the NAFTA; I opposed fast track when it was used to negotiate the Uruguay Round; and I oppose fast track today.

Let me restate what I have said so many times—so many times—in the past, something that I think people may be finally beginning to comprehend. Article I, section 8 of this Constitution, which I hold in my hand, states that the Congress—hear me—that the Congress, not the executive, shall have the power to ''regulate Commerce with foreign Nations.'' And under Article I, section 7, the Senate is permitted to ''propose or concur with'' amendments to all revenue bills.

But under fast track—this shabby, shabby piece of trash—under fast track—this trumped-up power grab called fast track which is now disingenuously called trade promotion authority—listen to that: trade promotion authority—the Congress is left with no ability to modify the text of these trade agreements. And we did it to ourselves. Congress did it to itself. As a result, they are negotiated by a small band of bureaucratic gnomes—bureaucratic gnomes—accountable to whom? Accountable to no one, bureaucratic gnomes accountable to no one. But we should not blame them. We should blame ourselves. The Congress of the United States cut its own throat.

Under fast track, the Congress cannot modify, the Congress cannot amend, the Congress cannot delete any section of trade agreements negotiated by the USTR. Congress is excluded from the process, just like we did to ourselves when we shifted the power to declare war to a President, one man. We did it to ourselves. We shifted power under this Constitution—lodged

in the Congress, which shall declare war under this Constitution—we shifted that power to one man, and in so doing we relegated ourselves to the sideline.

So today what can we say? We cannot say anything. We did it to ourselves. We said: Here, Mr. President, take it. It is yours, lock, stock, and barrel. That is what we did when it came to declaring war. And we are paying for it in Iraq.

But let's get back on this matter. We did it to ourselves again. We excluded ourselves from the process. We cut ourselves out of the loop. We cast ourselves aside, like excess baggage, shunned, shunned like the woman who wore the scarlet letter.

But unlike Nathaniel Hawthorne's Hester Prynne, who had to sport only one letter as a symbol of her wrongdoing, the shamed in this story should be forced to wear three letters to highlight their humiliation. And those letters are ''TPA,'' which stands for ''trade promotion authority.'' What a misnomer. How disingenuous can we become? Fast-track negotiating authority is an abomination—an abomination.

Is this what we think the Founding Fathers had in mind when they created our three separate branches of Government? We don't pay too much attention to that these days. Is this what they had in mind when they created our three separate branches of Government? First, in this Constitution, the legislative branch, then the executive branch, then the judicial branch. But that first branch, the people's branch, is this what they had in mind when they created that first branch? Blind adherence to agreements negotiated behind closed doors, dictated word for word by only one branch of the Government, the executive branch? Is that what they had in mind? That is not what the Constitution says. It says that the Congress shall regulate foreign commerce.

But the Congress, like blind mice or hyperactive lemmings, time and time and time again just keeps on making the same mistake. It approves fast track. Each agreement negotiated under fast track destroys more American jobs and leads our Nation into deeper and deeper deficits.

The overall U.S. trade deficit in 1993, when NAFTA was enacted, was $75.7 billion. Today what is it? Not $75.7 billion. It is nearly $700 billion. Back in 1993—that hasn't been too long ago, back in 1993—the United States had a trade surplus with Mexico of $2.4 billion. Not too long ago, 1993. Look backward, O time, in thy flight. We had a trade surplus with Mexico of $2.4 billion in 1993, $2.4 billion. Last year we ran a trade deficit of $45 billion with Mexico. There you have it. The facts speak for themselves. Were these some of the promised benefits of NAFTA? It is too easy to forget. Were these some of the promised benefits of NAFTA? Sky high, yes, way up in the stratosphere, sky-high trade deficits? Since NAFTA and the Uruguay Round were negotiated under fast track, the United States has lost thousands—thousands, I say—of manufacturing and service jobs, a substantial portion of which have been outsourced—we hear much of that word these days, ''outsourced''—to India or to China, leaving American workers' jobs without health care and with diminished pensions.

I have seen it over and over again in West Virginia. I have seen it happen time and time and time and time again, firsthand, in West Virginia. It has happened in our steel industry in West Virginia. It has happened in the aluminum industry. It has happened in the glass industry. It has happened in the communications industry. It has happened in the special metals industry. It has happened in the furniture industry. It has happened in textiles. It has happened in handtools. Were these the promised benefits of NAFTA? Were these the promised benefits of the Uruguay Round? Who could have foreseen that these agreements would cause such massive dislocation, such grief? Who? Who?

I will tell you who: Those of us who wisely voted against them. I did, and so did about a third of the U.S. Senate. But the majority back then refused to see what was coming. The majority refused to look. The majority blindfolded itself and refused to see what was coming. I hope they recognize what they see today.

Administrations like to allege that because they sometimes deign to ''consult'' with the Congress on fast track trade agreements, their consultations satisfy the need of Congress to be involved in drafting the text of these agreements. We all know what a sham that is. Yes, they condescend to consult with Congress, the people's elected representatives. The President is indirectly elected by the electors, the representatives of the people. We are elected by the people, directly by the people. I come here, as it were, directly from the voting booth of the people. Despite all the assurances we heard during the 2002 trade debate, I have been told that even members of the Finance Committee, the Senate Committee that is charged with jurisdiction over trade matters, have been shut out. Can you believe it? Let me say that again. I can hardly believe what I am saying.

Despite all the assurances we heard during the 2002 trade debate, I have been told that even members of the Senate Finance Committee, the Senate committee that is charged with jurisdiction over trade matters, have been shut out of substantive consultations on CAFTA. My, how the mighty have fallen. Since only certain members of the Finance Committee are part of the congressional oversight group which was supposedly created in 2002 to ''consult'' with the White House, other Senators on the Finance Committee who are not a part of that group have rarely been consulted on CAFTA at all. What kind of consultation is that? What kind?

Similarly, the majority-controlled Senate Finance Committee refused to hold a hearing on the TPA resolution of disapproval that Senator DORGAN and I introduced in April. The committee also refused—maybe I should say ''declined''—to discharge the resolution so it could receive an up-or-down vote on the Senate floor.

You hear that a lot around here, this demand for an up-or-down vote. I hear it said that nominees deserve an up-or-down vote. Who said that? The President and others say the nominees deserve an up-or-down vote. The Constitution doesn't say that. Here is the Constitution. It doesn't say that. What do the American people deserve? That is what counts.

Well, the Senate leadership refused to give our resolution an up-or-down vote. Instead, they killed it in committee. It died a natural death. They killed it in committee, despite a written request asking for its discharge that was sent by Senators DORGAN, GRAHAM, ROCKEFELLER, JOHNSON, LEVIN, INOUYE, DAYTON, and myself.

The proponents of fast track, TPA, and CAFTA argue that by expanding free trade in Central America we will help the workers in those countries—I have heard some of that today—become more stable and less of a national security threat. That is what we were told about NAFTA. What happened? Did NAFTA stabilize immigration? No. Since NAFTA was implemented, the number of those migrating illegally into the United States to seek work has doubled. Perhaps this is because the wages of Mexican workers have declined and the number of people in poverty there has grown.

Yet the administration wants us to enact now another NAFTA, this time called CAFTA—NAFTA, CAFTA; NAFTA CAFTA. Poetic, isn't it? It has a rhyming sound. NAFTA, CAFTA. Yesterday NAFTA, today CAFTA, what the AFL–CIO tells us will not require its members to maintain or improve their labor laws or to protect the core labor rights of their workers.

So the administration continues to negotiate these failed free-trade agreements, when it should be focusing on the real trade crises that face our Nation.

For example, while the administration has been spending its resources on these agreements, it is doing nothing to address our Nation's enormous trade deficit, which soon will surpass $700 billion. What a deficit—$700 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I am so sorry about that, Mr. President. I ask unanimous consent that I may be given 5 more minutes.

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

Mr. BYRD. I thank the Chair for his courtesy. May I say that the chairman

of the Finance Committee is a man whom I like. He is always friendly, always courteous to me, and in Shakespeare's words, ''He's a man after my own kidney.''

The administration also refuses to bring WTO cases against other countries that violate international law. Yet it acquiesces when the WTO unfairly and deliberately twists international rules to strike down our own laws. In fact, the current administration has taken on only 12 cases to the WTO in over 4 years, compared with its predecessor, which filed an average of 11 WTO cases per year.

The U.S. Trade Representative sits idly by while the WTO tries to undermine and/or eliminate our most critical trade laws, including the Continued Dumping and Subsidy Offset Act, also known as the Byrd amendment. A strong majority of the Senate supports the Byrd amendment, and this law will not be repealed or modified in response to the WTO. In fact, in the fiscal year 2004 and 2005 Consolidated Appropriations Acts both Houses of Congress directed the administration to start negotiating a solution to this WTO dispute. In response to this congressional mandate, the administration, in early 2004, submitted a proposal to a negotiating group in Geneva to reverse this WTO ruling against our law. But the administration has done nothing to advance those negotiations since April 2004. The administration needs to stop stalling and start solving this problem.

History shows that it is a big mistake for the Congress to cede its authority to negotiate trade agreements to the Executive—and I am not just talking about this administration. I have been in Congress 53 years, and it is the same in every administration, Democratic and Republican. They follow the State Department line all the time—because the outcome of those agreements can have disastrous consequences for American industry.

How much more negative history, how many more flawed consequences must our Nation suffer before we wake up and realize that fast track has been a disaster? Instead of negotiating more unfair, at any rate, agreements such as CAFTA, we should be fighting aggressively to preserve our Nation's trade laws and to protect the American workers and their families, and also protect the Constitution of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. BURR. Mr. President, I probably won't be as eloquent as the senior Senator from West Virginia, but rest assured that I am just as passionate about the issue before this body.

I rise today, after months of countless discussions with interested parties, farmers, manufacturers, textile workers, and small businesses, to voice my support for the Central American Free Trade Agreement. It is not a decision that I have reached lightly.

While some in my State continue to raise concerns with this agreement and trade in general, I believe this agreement is in the long-term best interests of North Carolina and our Nation. When I wake up in the morning, I look forward, I don't look back; I look to the future. Simply put, Mr. President, voting no on this agreement would be the easy thing to do. However, I believe voting yes is, in fact, the right choice for the State of North Carolina and its economic future.

It is only through agreements with our friends, neighbors, and allies that we will be able to compete with Asia. Many will argue that this agreement is a jobs loser, and I certainly understand that feeling and respect those opinions. After all, my home State of North Carolina is undergoing a significant economic transition which is changing the nature of our job market. However, I believe CAFTA will provide opportunities for economic growth in my State down the road.

CAFTA will provide garment makers in the region with a critical advantage in competing with Asia—particularly Chinese—garment manufacturers. This is crucial for one very important reason: those regional garment makers buy their yarn, their fabric, from American companies. Many of those companies are based in North Carolina. Those American companies buy their cotton from American farmers. This is not the case in Asia.

I am persuaded by the impressive level of trade between North Carolina and Central America today. North Carolina exported almost $2 billion worth of merchandise to Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua in 2004 alone. Only Florida and Texas exported more. My State's exports to the region last year accounted for almost 10 percent of our total exports. These exports translate into real jobs in North Carolina.

I am also persuaded by the side agreements that I know the President is well aware of—side agreements intended to address shortcomings in the underlying agreement. Our new Trade Representative, my friend, Rob Portman, has committed he will utilize the CAFTA amendment mechanism to pursue a rule-of-origin change for pockets and linings, helping ensure that $100 million in U.S. pocketing and lining exports to the region are not lost. The administration has also reaffirmed its commitment to negotiate an aggressive customs enforcement agreement with Mexico before the cumulation provisions of CAFTA can be used. Finally, Nicaragua has committed to allocate its trade preference levels, or TPLs, to its current nonqualifying U.S. trade, ensuring that existing U.S. business is not impacted by this provision.

I am not the only one persuaded by these side agreements. On June 27, 10 organizations, representing textile and apparel businesses, wrote Members of the House and Senate in support of CAFTA. Those organizations wrote:

> This agreement is vitally important for the United States textile and apparel industry and the more than 600,000 workers who are still employed in the United States in this industry.

I ask unanimous consent, Mr. President, that this letter be printed in the RECORD.

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

JUNE 27, 2005.

DEAR SENATOR/REPRESENTATIVE: We are writing to express our strong support for and urge passage of the implementing legislation (HR 3045/S 1307) for the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA–DR).

This agreement is vitally important for the U.S. textile and apparel industry and the more than 600,000 workers who are still employed in the United States in this industry.

Last year, we exported more than $4 billion of textile and apparel products to Central America and the Dominican Republic. More than 25 percent of all U.S. fabric exports and 40 percent of all U.S. yarn exports go to this region. As a result, garments imported from the region contain on average more than 70 percent U.S. content. In contrast, garments imported from Asia contain less than 1 percent U.S. content.

Recent changes in the international trade regime—through the elimination of quotas have eroded the competitiveness of the partnership we now have with Central American region. Moreover, the existing program—because of burdensome documentation requirements and because it will expire soon—no longer provides as strong an incentive to make clothing in the region using U.S. inputs.

CAFTA–DR will solidify and stabilize this partnership by making the current program broader, easier to use, more flexible, permanent, and reciprocal. It will create new sales opportunities for U.S. textile and apparel products by providing permanent incentives for the use of U.S. yarns and fabrics in textile articles made in the region. And because it will promote duty free access for U.S. textile and apparel exports to local markets in the region—which currently does not exist—it will give us new advantages over our competitors.

For all these reasons, textile and apparel companies from across the supply chain have come together to express support for CAFTA–DR and to urge its swift approval.

On behalf of the U.S. companies we represent and the workers they employ, we urge you to support the agreement and vote YES on the CAFTA–DR.

Sincerely,

American Apparel & Footwear Association (AAFA),

American Cotton Shippers Association (ACSA),

American Fiber Manufacturers Association (AFMA),

American Textile Machinery Association (ATMA),

Association of the Non Woven Fabrics Industry (INDA),

National Cotton Council (NCC),

National Council of Textile Organizations (NCTO),

Sewn Products Equipment & Suppliers of the Americas (SPESA),

Textile Distributors Association (TDA),

United States Hosiery Manufacturers Coalition (USHMC).

Mr. BURR. Mr. President, North Carolina textile and apparel firms are

by no means unanimous in their support of CAFTA. I clearly understand that. But when companies as diverse as Sara Lee, Russell, Glen Raven, National Textiles, and Parkdale, companies that have not agreed before, agree on this, we should take notice, and I have.

Without CAFTA, more and more garment manufacturing will simply find its way to China to be manufactured. As Central American manufacturers are forced out by Chinese manufacturers, more American jobs will be put at risk for the simple fact that Chinese manufacturers do not use American yarn, they do not use American fabric, and they do not use American cotton.

I am persuaded by agriculture's support for this agreement, and in a letter to me recently, North Carolina's Farm Bureau president Larry Wooten said:

On balance, the CAFTA–DR is a positive trade deal for North Carolina agriculture. It will boost our State's number one industry by helping North Carolina's farm families develop new markets for their products. North Carolina Farm Bureau strongly supports CAFTA–DR.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

NORTH CAROLINA FARM BUREAU FEDERATION,
Raleigh, NC, June 30, 2005.

Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURR: As the U.S. Senate prepares to vote today on the Central America—Dominican Republic Free Trade Agreement (CAFTA–DR), I am writing you to express North Carolina Farm Bureau's support for this important agreement. Thank you for your vote last night to invoke cloture on S. 1307, and we hope you will vote for this measure again on final passage today.

Currently, U.S. agriculture faces a $700 million trade deficit with the six countries included in the CAFTA–DR. This is largely the result of the General System of Preferences (GSP) trade provisions and the Caribbean Basin Initiative (CBI), which together allow 99 percent of Central American and Dominican Republic agricultural products to enter U.S. markets duty free. Conversely, U.S. exports to the region are subject to applied tariffs that range from 15 to 43 percent. Indeed, North Carolina's farm families have already paid for this agreement.

CAFTA–DR will eliminate these trade barriers, and provide North Carolina farmers and agribusinesses with the same duty-free access that CAFTA–DR countries already enjoy in our markets. In fact, many U.S. competitors in the region, like Chile, already receive preferential access from the CAFTA–DR countries.

A News & Observer article published earlier this year reported that, according to the U.S. Department of Commerce, North Carolina exports to the CAFTA–DR countries grew by $678 million from 2001 to 2004, the largest increase in the nation. The article went on to say that North Carolina is the CAFTA–DR region's third largest trading partner behind Texas and Florida. Clearly, North Carolina agriculture has much to gain from CAFTA–DR's enactment.

According to a recent study conducted by the American Farm Bureau Federation (AFBF), II CAFTA–DR is a good deal for North Carolina agriculture. In 2003, North Carolina's farm cash receipts equaled $6.9 billion. Of that figure, $1.3 billion, or about 19 percent, came from agricultural exports. If CAFTA–DR is enacted, AFBF estimates that North Carolina will increase agriculture trade to this region by nearly $70 million per year by 2024.

As you know, North Carolina is a major producer of pork, poultry, and cotton, as well as a significant producer of soybeans. Under CAFTA–DR, North Carolina could expect to increase meat exports to CAFTA–DR nations by $24 million per year once the agreement is fully implemented. Poultry, our third largest agricultural export, would experience export increases of $42 million per year. Exports of cotton would increase approximately $1 million per year, while soybeans and soybean product exports would grow by $770,000 per year.

It is important to remember that the global community is closely monitoring congressional deliberations regarding CAFTA–DR. Rejecting this agreement will damage U.S. credibility in the World Trade Organization (WTO) and deter other nations from negotiating future trade agreements with us. Further, failing to approve CAFTA–DR and any subsequent trade agreements will exert more pressure on Congress to increase Farm Bill spending.

On balance, the CAFTA–DR is a positive trade deal for North Carolina agriculture. It will boost our state's number one industry by helping North Carolina's farm families develop new markets for their products. North Carolina Farm Bureau strongly supports CAFTA–DR, and we urge you to support on the Senate Floor today.

As a friend of North Carolina Farm Bureau, you have always been accessible and I appreciate your support for North Carolina's farm families. As you consider how you will vote on this critical matter, please know that I stand ready to assist you in any way. I look forward to hearing from you soon.

Sincerely,

LARRY B. WOOTEN,
President.

Mr. BURR. Mr. President, current agricultural trade between the United States and the region can be a one-way street. That street is often closed to our farmers by regional barriers. CAFTA will remove those barriers, increasing access for U.S. farmers. With exports accounting for 20 percent of North Carolina's farm cash receipts, almost $1.5 billion, my State's farmers stand to make tremendous gains in Central American markets.

The key to making this trade agreement an economic success for North Carolina, though, is enforcement. I am a proponent of free trade, but I am an even bigger proponent of fair trade. The rules must be enforced. I intend to make sure that neither this Nation nor our partner countries turn a blind eye to the provisions set out and the assurances made in CAFTA.

Several of my colleagues have come down to the Senate floor to express their concerns with China. Let me be specific. I have concerns about China, too. I voted against normal trade relations status for China eight times as a Member of the other body. Hindering our Nation's trade with other nations to get back at China is not the answer. Enforcing our laws and enforcing the provisions of the trade agreement with China is the answer to China.

If I held up a chart today and suggested that chart listed every time China had voluntarily broken our trade agreements, it would be blank. If we want trade to work, we as a country have to enforce the agreements we have with our partners.

This is not the China free-trade agreement. It is the Central American Free Trade Agreement. We need to stop holding our friends in Central America and elsewhere accountable for China's unlawful practices. We should not let China get away with unfair trade practices, and we must strengthen our trade enforcement efforts. If China is going to break the rules, let's call them on it. Let's make them pay for it. But we should not make other countries the scapegoat for China.

In the 2 years since CAFTA was signed, I have worked to better understand the agreement and the impacts it will have on my State. Today I am convinced there is no choice—no choice—but to look to the future and approve this agreement. The new and emerging sectors of North Carolina's economy, from computer manufacturing to biotechnology and established sectors such as financial services and agriculture, depend on agreements such as this.

What makes CAFTA fairly unique is the recognition by many in the textile and apparel industry that CAFTA represents one of their last, best chances to compete with Asia. We cannot afford to wall ourselves off from the rest of the world if we hope to compete in a global marketplace and to create jobs in the United States.

I urge my colleagues to look at the long-term benefits of prosperous, successful, established democracies to our south and the economic opportunities it provides for our own citizens here. If we fail to look to our friends in the south, we will only be strengthening our competitors to the west.

I urge my colleagues at the end of this debate to vote in favor of the CAFTA agreement, and I urge my colleagues to stay vigilant, whether it is CAFTA or China, as it relates to enforcement mechanisms with our trade partners.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes and that the time be charged under the control of Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California may proceed.

Mrs. FEINSTEIN. Mr. President, I have been listening to the debate upstairs on television. I thought I might come down and indicate the reasons I am going to vote for this Central American Free Trade Agreement.

This agreement has sparked a great deal of debate about our trade agenda,

the effects of trade agreements on labor rights and the environment, and the impact of increased imports on sensitive domestic industries. I understand the concerns of my colleagues, including members of my own party, who do not support this agreement.

For me, I have always approached these agreements on a case-by-case basis. I have supported some, and I have opposed others. For example, I opposed the North American Free Trade Agreement and the Singapore-Chile Free Trade Agreement. I opposed NAFTA because of the concerns about the impact of jobs and the environment, and I opposed the Chile-Singapore Free Trade Agreement because of the inclusion of immigration provisions.

But in my view, this is an important opportunity for this Congress to go on record in support of economic growth and political stability in these countries and new markets and opportunities for our manufacturers and farmers.

Bottom line, this agreement provides immediate benefits for American exports. It balances an uneven trading relationship. Some have said this, but I do not think it has sunk in: approximately 80 percent of goods manufactured in these countries and 99 percent of their agricultural products already enter the United States duty free. But America's exports into these countries face stiff tariffs on a number of key products. Let me give some examples.

Wood products have an average tariff of 10 percent; motor vehicles and parts, an average of 11.1 percent; vegetables, fruits, and nuts, an average of 16.7 percent—that is today—dairy products, an average of 19.5 percent and up to 60 percent in some cases. In some cases, to send dairy products into these countries, they face a tariff of 60 percent; grains, an average tariff of 10.6 percent; beef, up to 30 percent; rice, up to 60 percent; and wine is as high as 35 percent.

Upon enactment of this agreement, 80 percent of U.S. industrial exports will enter the CAFTA countries duty free, with the remaining tariffs eliminated over 10 years. That is good for us. That is good for our workers because in these industries it will produce more jobs. Fifty percent of agricultural exports become duty free immediately, with remaining tariffs eliminated over 15 and 20 years.

A World Bank and University of Michigan study estimates that with the agreement, U.S. income will rise by $17 billion and the income of CAFTA countries by $5 billion. I think that is substantial. According to the American Farm Bureau, CAFTA would increase U.S. agricultural exports by $1.5 billion annually.

Now let me just talk about my own State of California. It has often been said we are the fifth largest economic engine on Earth. We have a $1.4 trillion economy. We are a leader in U.S. and global markets, with products ranging from high tech to agriculture. Our workers, our farmers, and our businesses need access to new and expanding markets to sustain that leadership position.

In 2004, my State exports to the CAFTA countries totaled $660 million. That was the sixth largest of the 50 States. Manufactured goods accounted for 89 percent of the total, including computers and electronic equipment, fabric mill products, and coal products.

CAFTA will provide significant opportunities for several California export industries. Let me go over them. Let us take dairy, for example. California's producers represent a $4 billion dairy industry. We know it is the largest in the Nation. Their exports face duties as high as 60 percent today. Each country in this agreement establishes tariff rate quotas for certain dairy products totaling 10,000 metric tons across the six CAFTA countries. Access will increase by 5 percent a year for the Central American countries and 10 percent a year for the Dominican Republic, and all duties will be eliminated over 20 years.

Beef: Current duties on beef are as high as 30 percent. Duties on prime and choice cuts will be eliminated immediately in the Central American countries. Duties on other beef products will be phased out over 5 to 10 years.

Wine: Current duties on American wine are as high as 35 percent. Duties on standard size U.S. bottled wine will be eliminated immediately. All others will be phased out over 15 years.

Rice: Currently, U.S. rice exports face tariffs of up to 60 percent. Under the agreement, each country will establish a tariff rate quota for milled rice and rough rice, except for the Dominican Republic, which will have a tariff rate quota for brown rice. In the first year, 400,000 metric tons will be imported duty free, growing as the tariff is eventually eliminated.

Fruits: Duties of up to 20 percent on U.S. grapes, raisins, fresh and canned peaches, and fresh and canned pears will be eliminated immediately upon enactment of the agreement.

Tree nuts: Duties of up to 20 percent on U.S. walnuts, almonds, and pistachios will be eliminated immediately upon enactment of the agreement.

Services: The agreement provides broad market access and regulatory transparency for telecommunications, insurance, financial services, distribution services, computer and business technology services, and tourism, among others. U.S. financial service suppliers will have full rights to establish subsidiaries, joint ventures or branches for banks and insurance companies.

High tech: The agreement eliminates distribution barriers for information technology products. It requires countries to eliminate information technology tariffs by signing the World Trade Organization Information Technology Agreement, and it opens up information technology services. All exports of products covered by the Information Technology Agreement, including computer equipment and communications equipment, will receive immediate duty-free treatment.

Entertainment: California is a big entertainment State, and this is very important. The agreement provides for increased market access for U.S. films and television programs through cable, satellite, and the Internet. Currently, movies face tariffs ranging from 5 to 20 percent. Compact discs and DVDs face tariffs of up to 10 percent. The agreement provides for zero tariffs on movies, music, consumer products, software, books and magazines, and nondiscriminatory treatment for digital products such as U.S. software, music, text, and videos. It also includes protections for U.S. trademarks, copyrighted works, patents, trade secrets, and penalties for piracy and counterfeiting. As a matter of fact, Peter Chernin, the CEO and president of the Fox Group, said this: This agreement sets a template for what agreements should look like.

Textiles: Apparel from garment factories in Central America supporting 400,000 jobs will be duty free and quota free in the United States if they contain U.S. fabric and yarn, thus benefiting U.S. fabric and yarn exports. The CAFTA countries are the largest market for U.S. apparel and yarn exports. That is $2.2 billion in 2003. Tariffs on U.S. textile exports are currently 18 percent, and they will be eliminated immediately upon enactment of the agreement.

Now, these are all win-win-win for my State and I believe for the United States. Perhaps because of the NAFTA agreement, which was a very different agreement, people look at this agreement as they looked at NAFTA. In fact, CAFTA countries now export most of their products into the United States at no tariff, and most of our products face tariffs which would either be eliminated immediately or eliminated over a period of time under CAFTA.

So I do not think it should come as any surprise that there is very wide support among California businesses, farmers, and agricultural organizations: the Farm Bureau, the Wine Institute, the United Dairymen, the Rice Commission, the Cattlemen's Association, the Pork Producers, the Table Grape Commission. In high tech, virtually every company: Cisco, Intel, National Semiconductor, Apple, Oracle, Hewlett-Packard, Qualcomm, IBM, Kodak, and the Telecommunications Industry of America. This is opening markets for our products. Entertainment: the Motion Picture Association of America, the Recording Industry of America, the Independent Film and Television Alliance, and the Entertainment Software Association.

As the New York Times stated in an editorial:

> Denying poor people in Central America the benefits of better access to the American market is certainly not the way to lift them out of poverty.

That is the flip side of this, that by creating an agreement that reduces these tariffs on American products, a more competitive and higher quality marketplace is produced for citizens of these countries, and that is not bad.

Denying these countries access to the U.S. market is certainly not the way to reward them for advances made in the area of democracy, human rights, and the rule of law. Twenty years ago, these countries were marred by constant warfare, human rights abuses, poverty, and political instability. Since then, they have all made enormous strides, and passage of CAFTA will not only promote economic development and rising standards of living by allowing their products to compete in the U.S. market, it will also lock in economic reforms, respect for the rule of law, and solidify democratic institutions. Each country now has a democratically elected leader, and I think we should reward those allies and not turn our backs on them.

I ask unanimous consent to have a letter from former President Jimmy Carter printed in the RECORD.

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

JUNE 8, 2005.

Hon. CHARLES E. GRASSLEY,
Hart Senate Office Building,
Washington, DC.

TO SENATOR CHARLES GRASSLEY: As you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective, this will help both the United States and Central America.

Some 80 percent of Central America's exports to the U.S. are already duty free, so they will be opening their markets to U.S. exports more than we will for their remaining products. Independent studies indicate that U.S. incomes will rise by over $15 billion and those in Central America by some $5 billion. New jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill, particularly on the labor protection side, but, more importantly, our own national security and hemispheric influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion of democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights at a time when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There now are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the presidents of each of the six nations had to contend with their own companies that fear competition with U.S. firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the U.S.

For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward and to help those leaders that want to modernize and humanize their countries. Moreover, strong economies in the region are the best antidote to illegal immigration from the region.

I appreciate your consideration of my views and hope they will be helpful in your important deliberations.

Sincerely,

JIMMY CARTER.

Mrs. FEINSTEIN. Former President Jimmy Carter states:

If the United States Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the United States.

I do not think there has been any American President that has reached out more fully to the rest of the world with more humanitarian work and more concern about human rights and labor rights than Jimmy Carter.

I understand several of my colleagues believe labor and environmental provisions of the agreement fall short of what is needed to protect workers' rights and the natural resources of the CAFTA countries. I think free-trade advocates often make the mistake of arguing that these agreements are a panacea for the ills of the developing world, including lax labor and environmental standards. I certainly do not believe that.

The passage of the CAFTA alone will not bring labor and environmental standards and the capacity to enforce those standards up to United States levels. We have to admit that. But—and I say ''but''—combined with a robust assistance package to help the CAFTA countries identify shortcomings and improve the enforcement of their laws, this agreement will mark an important step in the right direction. This is not about sacrificing the rights of workers and the protection of the environment for open markets and increased trade. We can provide new opportunities for American and Central American goods and services and establish programs to help those countries raise their labor standards.

What Senator BINGAMAN said when he came to the floor is very constructive. I give him a great deal of credit and credit to the administration. This is the first trade treaty I can remember when they have been open to change.

Mr. President, I ask unanimous consent just 5 additional minutes.

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

Mrs. FEINSTEIN. This is the first trade agreement where the administration, perhaps because they have had to struggle for the votes, has been welcoming of suggestions; not only welcoming of suggestions, they made some changes. That is appreciated.

One of the changes was $40 million earmarked for labor and environment capacity building for the CAFTA countries, from 2006 through 2009, and $3 million annually through 2009 for the International Labor Organization to monitor and verify progress in CAFTA countries in improving labor law enforcement and working conditions, with periodic reports that are transparent, every 6 months, on such projects.

That is a first and I think it is important and I do believe it can make a difference. I do believe the comments of those who are concerned about impact on Central America's labor laws are right to be concerned. I join them in that concern. This $3 million can go a long way to seeing the kind of enforcement that is necessary to begin to bring those countries up to where it is an approximately level playing field. This is a significant commitment, and I thank Ambassador Portman for his willingness to engage with the Congress on this issue.

I also look forward to providing assistance to workers in this country through the Trade Adjustment Assistance Program for those who have lost their jobs because of increased trade.

This is where I think the rub really is. It is always hard to see whether the benefits of free trade do in fact outweigh the negatives. But we must recognize that some workers lose their jobs and they have to be helped to learn new skills. We have to find ways to keep manufacturing in this country. We have to find ways to limit research and development tax credits to the production of jobs in this country.

Some of us were struck a mortal blow when we repatriated tax funds and there was an amendment on the floor of the Senate that said ''as long as those funds will be used for production of jobs in this country,'' and that amendment failed. That, for me, was a dark day because I believe that American corporations do have an obligation to this country, not only to the bottom line but an obligation to their workers. American workers are the best in productivity and the best in the world. We have to find ways to see that this country is competitive in education, in standards, to be attractive for manufacturing once again.

Today, the Democrats in the Democratic Policy Committee heard a very interesting presentation which pointed out how necessary manufacturing jobs, production line jobs—not high-skilled jobs—were going to be to the future of this great country. I remember when I was mayor of San Francisco, Akio Morita, the chairman of Sony, at that time he was the head of The Keidanren, saying to me that when America loses its manufacturing edge, it is the first step to America becoming a second rate power. I believe that is correct. Yet a trade agreement which reduces tariffs on our exports is not bad; it is good. I think that is the benefit of that, and of this agreement.

With that in mind, and because I believe virtually every industry in my

State is in support of this agreement, I intend to vote aye.

I thank the Chair for the extension of time, and I yield the floor.

I appreciated the recent efforts the administration made to engage the sugar industry to work out an agreement. However, I am concerned that the two sides only recently came to the table to address this divisive issue. The trade agreement has been signed for nearly a year, but talks only began about 3 weeks ago. The problem should have been recognized and truly addressed earlier in the process. I am convinced that an agreement could have been reached. As it was, the sugar industry chose not to accept a short-term offer by the administration. The offer would have provided a remedy for the length of the farm bill, this year and next year's sugar beet crop. As I stated before, sugar beet farmers in Wyoming have made long-term investments in their processing facilities. They need a long-term solution, not a short-term fix.

This problem will not go away. As the administration continues to seek additional free-trade agreements with countries that desire to send their sugar to our markets, this issue will resurface. I recommend that the administration and the sugar industry continue creative discussions to identify a long-term solution beyond the next farm bill to ensure the viability of the sugar industry and the small family farmers that the industry supports in the United States.

Beyond Wyoming sugar, Wyoming cattle producers have made it clear to me that they want mandatory country of origin labeling implemented before new trade agreements are signed that could bring in additional beef and meat products. I agree that consumers should have the opportunity to make an informed purchase regarding their meat's country of origin at their grocery store. U.S. beef is competitive, but it does not receive a chance to compete when it is not labeled as U.S. beef for consumers.

With my vote against this bill, it would be easy for my opponents to cast me as a free-trade obstructionist. I remind them that until today, I have never voted against a free-trade agreement on the floor of the Senate. The principles of fair trade, which I support, generally bring about increased democracy, more transparency in Government and increased productivity. Along these lines, there are industries in Wyoming that communicated their support of CAFTA to me. I am pleased the agreement will improve market access for important industries, such as soda ash and oil and gas. I recognize the benefits this agreement will bring to many and applaud the administration for their hard work in bringing this agreement to fruition. Unfortunately, I cannot vote for the agreement today because the costs outweigh the benefits for my State as a whole.

Mr. ENZI. Mr. President, I rise today to express my opposition to the Dominican Republic-Central American-United States free trade agreement, known as CAFTA. I am opposing the implementing legislation before the Senate today due to the negative impact that passage of the agreement will have on the domestic sugar industry. I also believe mandatory country of origin labeling should be implemented before we sign trade agreements that will bring in additional meat products.

The production of sugar is vitally important in Wyoming. Behind hay, which is fed to our livestock, sugar beets is the No. 1 cash crop in Wyoming. So small sugar beet farms in Wyoming have a big impact on my State's economy. For example, my office received calls from bankers and local economic development agencies in towns that depend upon the viability of the sugar beet industry. They were concerned about the impact of CAFTA on the health of their local economies—the economies of my home State.

In addition, the sugar industry is vertically integrated. Sugar beet farmers are invested in their land and specialized farming equipment. However, across the Nation, sugar beet farmers have also banded together to purchase the processing plants that add value to their crop. So their investment in sugar is higher than the investments of other farmers in their crops. Many of these plants have been purchased in recent years with a long-term debt load. Wyoming sugar beet farmers have a special interest in ensuring that their industry has long-term viability. The sugar that would be imported from CAFTA countries under this agreement, in addition to the sugar expected to be imported from Mexico under NAFTA, would have a detrimental impact on the sugar beet industry in the near and distant future.

The PRESIDING OFFICER. Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent I be allowed to speak for up to 30 minutes from the time under the control of Senator DORGAN, to be followed by Senator MARTINEZ for up to 10 minutes from the time under the control of Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut is recognized for 30 minutes.

Mr. DODD. Mr. President, let me begin by commending, again, the chairman of the Finance Committee, Senator GRASSLEY, and Senator BAUCUS, the ranking Democrat, and members of that committee. It is a very important committee of the Senate, obviously. They are charged with the responsibility of dealing with trade agreements. The implications of these trade agreements obviously go beyond just the jurisdiction of the Finance Committee. It can be argued, I think very correctly, that these agreements have huge foreign policy implications, national security implications as well as, obviously, labor implications. So the Finance Committee is asked to grapple with very compelling issues that touch on a lot of other subject matters when they deal with it.

I rise today to speak about this Central America-Dominican Republic Free Trade Agreement, known as the CAFTA–DR agreement. Yesterday evening, I came to the floor to express my hopes that this agreement could be strengthened in the waning hours before a vote on its implementing legislation. I did so because I very much want to support this agreement.

Let me explain why again. Many of my colleagues, I suppose, know the reason. As long as I have been a Member of this body I have served on the Senate Foreign Relations Committee. I have, for most of those years, been either the chairman or the ranking Democrat of the subcommittee dealing with Latin America.

My colleagues, many of them, know as well that some 39 years ago, as I finished my college education, I joined the Peace Corps and traveled to the Dominican Republic where, for about 2 years I served as a Peace Corps volunteer in the wonderful mountain village of Bonito Moncion, not very far from the Haitian border. I have a special affection for the Dominican Republic. The people of that small mountain village embraced me as one of their own. In fact, only a few weeks ago I traveled back to that mountain village of Moncion after a 24-year absence and spent a remarkable day with people I had known, who had such a wonderful impact on my life as a young Peace Corps volunteer.

When I came to this body and went to the Congress in 1974, along with Paul Tsongas of Massachusetts, we were the first two former Peace Corps volunteers to be elected to the U.S. Congress.

Paul Tsongas came to the Senate 2 years before I did. When I arrived here, we became the only Peace Corps volunteers to have served in this Senate. Today, I believe I am the only one to have had that privilege of being a volunteer in the Dominican Republic and to serve in this Senate. The countries of Central America I know well. I have traveled to all of them extensively over the years. I know the heads of states of each of these countries and have known virtually all of the heads of state over the last 24 years. It is with a great deal of personal interest, in addition to the subject matter interest, that draws me to this debate and to the Senate this afternoon. I have worked closely with many of these countries. As much as any Member of this Senate, I understand what a great boom a well-crafted agreement on trade can be to the people of Central America and for the Dominican Republic, as well as for we Americans.

I don't expect CAFTA–DR agreement to be perfect. No trade agreement ever is. There are always matters either left unaddressed or under-addressed when

we have these agreements. The question should be whether trade agreements, on balance, serve to protect American interests and lift up the countries that we are negotiating with, or whether they will lead us all in the opposite direction.

That is why I welcome the efforts of my colleague from New Mexico, Senator BINGAMAN, to strengthen the capacity of these nations of Central America and the Dominican Republic to effectively enforce and uphold internationally recognized labor rights. I believe the commitment by the administration to provide funds for the International Labor Organization, the ILO as it is called, in these CAFTA–DR countries is a step in the right direction. I commend my colleague from New Mexico, Senator BINGAMAN, for pursuing this provision. I commend Ambassador Portman for accepting the idea.

But to strengthen the effectiveness of the International Labor Organization in carrying out its work in Central America, I believe there also needs to be a clear understanding, before we vote on the CAFTA–DR agreement, of the freedom activity that the International Labor Organization must have if its efforts are going to be effective. After all, the problem is not just about capacity building, as important as that is, which was the focus of the agreement with our colleague from New Mexico, it must also, out of necessity, be about enforcement of those rights.

That is why I met yesterday, at some length, with Ambassador Portman and his staff and contacted the ambassadors of the five Central American countries and the Dominican Republic to describe what I believe is needed to make the International Labor Organization initiative of this agreement a meaningful one.

As my colleagues know, over the years, I have generally been a supporter of free-trade agreements. If properly constructed, I believe trade agreements are in the best long-term interests of the United States. That is because, in today's highly interconnected world, we must keep up and adjust to the changes around us if we are going to compete effectively.

This great surge toward a globalized world economy has brought gains and losses here in our own country. Some industries have benefitted greatly; others have struggled to compete. On balance, I believe free trade has benefitted our country. But we have not done enough, especially during the past few years, to help ease the transition for those many Americans who are struggling.

Globalization has affected other nations around the globe. From Latin America to India, Africa to China, no country has escaped the impact of this process. The difference is that while globalization has helped lift many nations, it has also left many others behind.

In this hemisphere, the results have been mixed. Countries such as Brazil and Chile are doing quite well.

Others have stagnated or, worse, even regressed. I put this in context for my colleagues when it comes to Central America and the Dominican Republic. When considering this debate and the conclusion of it, consider that one-third of the entire population of Latin America currently lives in poverty. In the nations south of the Rio Grande River, 128 million people survive on less than $2 a day; 50 million on less than $1 a day. That is more than a third of the entire population of these nations. In Central America alone, three out of every five citizens live in conditions of poverty. Two out of every five are indigent or in conditions of extreme poverty.

In Nicaragua, for instance, there is widespread malnutrition and unemployment rates are way over 40 percent. Nicaragua is the second poorest nation in this hemisphere, with nearly half its population living on less than $1 a day.

In Guatemala, the situation is also dire. Malnutrition rates are among the highest in the world. Life expectancy as well as infant and infant mortality rates are among the worst in this hemisphere. Illiteracy exceeds 30 percent and most people have less than 5 years of a formal education.

But there is not only tremendous poverty in these nations, income and equality in Latin America is also one of the highest in the world. Consider that the richest 10 percent of all Latin Americans earn roughly 50 percent of the total national income in these nations; whereas the bottom 10 percent earn only 1.6 percent of income.

Despite economic growth throughout the 1990s, unemployment in Latin America has actually increased. The Central American region has suffered greatly as a result of natural disasters. Hardly a year goes by that some natural tragedy does not occur in these nations. My colleagues will recall the mud slides in Haiti which last year cost thousands of people their lives and homes. There are repeated hurricanes that have hit Central America over the last decade and a half.

In early 1993, after one of those hurricanes hit Nicaragua, I went down to work with the people of those nations to clear mud out of schools and impoverished communities. Bridges were wiped out, crops were lost, the country was devastated.

In 1998, Hurricane Mitch, a category 5 storm, hit Honduras, Nicaragua, Guatemala, and El Salvador, killing 9,000 people and leaving more than 700,000 people in those four countries homeless.

We are also talking about nations, many of which were almost ripped apart by brutal civil wars and political violence. Guatemala's troubled history dates back to 1954, when a military coup overthrew Guatemala's popularly elected president, Jacobo Arbenz Guzman, triggering a bloody civil conflict that lasted more than 30 years. Guatemala's conflict was largely a struggle for land rights and resulted in the murder or disappearance of more than 200,000 people, many of them indigenous Mayans living in the highlands of Guatemala. Fortunately, this armed conflict ended in 1996, with the signing of the peace accords between the Guatemalan Government and the armed opposition, grouped together as the Guatemalan National Revolutionary Unit.

In El Salvador, it was discontent over social inequalities, a poor economy and a repressive dictatorship that in 1980 finally ignited a civil war between a repressive military government and leftist guerilla groups who united under the Farabundo Marti National Liberation Front. During 12 years of that civil war, 75,000 Salvadorans, mostly civilians, were killed and thousands more fled to refugee camps in Honduras and many more made their way north to the United States as immigrants. The United States provided more than $5 billion in economic and military assistance to the Salvadoran Government over the course of that conflict. But it took the U.N. to broker a peace accord to end a conflict that military force failed to resolve.

Nicaragua's story is almost somewhat similar. In 1979, the Sandinista National Liberation Front of Nicaragua overthrew the 40-year dictatorship of the Somoza family and took control. In 1981, the Reagan administration responded aggressively to regional concerns with respect to the leftist regime. The United States funded and organized the new paramilitary force which became known as the Contras. The Contra war, as it became known, lasted until 1988 and resulted in more than 25,000 deaths in that country and 700,000 refugees and displaced people.

Although Honduras faced no serious civil conflict of its own, it served as a staging ground for efforts of the United States to fight the insurgencies in Guatemala and El Salvador and to overthrow Nicaragua's Sandinista government.

Honduras's geographically central location made it a convenient base of operations for the Contras and a center of training and supply for the Salvadoran and Guatemalan militaries.

Even democratic Costa Rica felt the ripple effects of its neighbors' conflicts as displaced persons from other countries took up residence in that nation.

Finally, the governments of Central America courageously decided to take matters into their own hands. In 1987, without any real assistance from the United States, the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica negotiated and signed an agreement to create conditions for peace in Central America, which became known as the Esquipulas Agreement. That agreement marked a

turning point for the people of Central America and created real possibilities for peace, reconciliation, and prosperity for the people of that region.

Since 1990, the countries of the region have made progress. The guns have been silenced. There has been political reconciliation. There have been domestic or democratic elections. But still the region struggles for many of the root causes that sparked the civil conflicts in the first place: poverty and inequality and injustice.

Taken individually or as a whole, this poverty, inequality, suffering, and political instability have severe implications. First, they threaten the political stability of Latin America. And I am very worried not only about this region but also other nations in the hemisphere that are democratic governments but are very fragile democracies. And second, by extension, they also threaten the national interests of the United States, as political instability did in the 1980s.

To understand how this is possible, I would point to—and advise my colleagues, if they have the time, to read—a 2004 report by the United Nations Development Program.

According to that report, progress in extending elective democracy across Latin America is threatened by ongoing social and economic turmoil. Most troubling, the report suggests that over 50 percent of the population of Latin America would be willing to sacrifice democratic government for real progress on economic and social fronts. That is a very frightening statistic. And it should make crystal clear the urgency of this situation.

Two decades of democratic progress in our hemisphere are at risk. Certainly, strong trade relations remain a key to creating a healthy economy both here in the United States and throughout the region. But trade alone cannot address the myriad of challenges facing Latin America, where millions of citizens in this hemisphere remain marginalized by economic insecurity and social dislocation. And, sadly, the attention and foreign aid dollars of the United States have been diverted to other parts of the world in recent years.

That is why I welcome the Bush administration's decision to reengage with the region and to strengthen economic ties by negotiating a regional free-trade agreement. I believe that the right kind of trade agreements can help these countries get on the proper course to stronger and more just societies.

The question is whether, on balance, the agreement before us is that right kind of agreement. I stress the term ''agreement'' because it reminds us that these documents are about much more than free trade.

They are about the worker who could lose his or her job. They are about the average citizen trying to provide for their families. And they are about social cohesion and political stability.

These agreements are also about the future of a nation's economy. They are about protecting our national security. And they are about ensuring that the next generation will inherit a stronger foundation on which to build their futures.

Or at least they should be.

We, in the Congress need to decide if these agreements live up to these standards. As I said earlier, I have been, throughout my years here, a strong supporter of free-trade agreements. The case we have before us—of course, CAFTA–DR, deals with the Dominican Republic, Guatemala, Nicaragua, Honduras, El Salvador and Costa Rica.

A meaningful agreement with these countries could, in my view, benefit the United States and the nations involved alike. For the most part, they need help. Poverty, corruption, social dislocation, and instability are all too familiar to the citizens of many of these nations.

But the CAFTA-Dominican Republic agreement has some weaknesses, ones we tried to address over the last several days.

Mr. President, I understand the sense of urgency the administration feels in having this agreement be decided upon in the waning hours before the Fourth of July recess. I regret, unfortunately, that we have to rush at this. But I understand why. If you do not have these agreements up under these time constraints, then they may not pass at all. So I appreciate the politics of why it is up under this shortened time-frame or up against the wall of this recess.

That said, I regret we did not have a few more days. If we did have some more time I believe we might have been able to make some very important improvements to weaknesses in the current agreement.

The most fundamental of these weaknesses I discussed last evening and I talked about at great length with Ambassador Portman yesterday.

I also sent him a letter addressing the specificity of them; and that is, namely, the issue of labor laws in the CAFTA-Dominican Republic countries.

When I speak of labor laws, I am speaking about the kinds of laws that these countries have enacted and about the enforcement of these laws. I am also speaking about current trade packages in this hemisphere that have been a major step forward to guarantee improvements in quality of life, creating wealth in these countries which, obviously, benefits us, as we want trade with nations that have people who can afford the cost of our goods and services. Both of these issues are critical components, I might add, to protecting Americans and to ensuring real progress is made in these nations.

I would turn here to the issue of labor laws. According to the CAFTA-Dominican Republic agreement, signatory countries must simply enforce the labor laws of their own nations—whatever they may be—in order to be in compliance. Indeed, I would note that the Dominican Republic and all the Central American countries, except El Salvador, have ratified what the International Labor Organization refers to as its eight fundamental conventions on labor rights. El Salvador, I might add, has ratified six of the eight. And while El Salvador needs to be brought up to speed, other signatories' laws seem to be at least minimally sufficient to the task, in my view.

Why then does the current arrangement, with respect to labor laws, weaken this agreement? Because of two things. First, it does not hold those countries to the same objective standards. In fact, the CAFTA–DR agreement would actually lower current standards. Second, it ignores the impact that a lack of objective standards could have on the region.

Let me explain.

Previous trade preference programs for the region—previous ones; this is not new ground; previous ones—provided that the President should at least take into account the extent to which the beneficiary countries provide internationally recognized workers' rights. This is not the case with the CAFTA–DR agreement.

In addition, as currently written, the CAFTA–DR agreement would weaken standards that these countries have been living under through the Caribbean Basin Initiative and the Generalized System of Preferences, where these agreements are not required. So instead of asking them to do the same with the CAFTA–DR agreement—or more—we are actually asking them to do less. It is a step backwards.

Under the current trade agreements in this region, trade benefits can be withdrawn if a country lowers its labor laws below international standards or simply fails to meet these standards. And they can be withdrawn if a government directly violates internationally accepted workers rights that might not be protected under their laws.

Under the Caribbean Basin Initiative, and the GSP, the right to file a complaint for violations of these rights is extended beyond just governments and to civil societies. But again, with this agreement, we exclude all of that.

Under this agreement, governments will only have to enforce whatever laws they have on their own books at any given time. They will not be held to any international standards. That means the ocean floor is the limit, with respect to how weak these laws can get.

Moreover, the lack of an objective standard here is troubling because it could create a race-to-the-bottom mentality where investors and companies play governments, one against the other, seeking lower labor standards in a quest for increased profits. That type of situation, in my view, could wreak havoc on civil societies in these countries, and it could also cost American workers their jobs.

A second facet of the labor rights question deals with the issue of enforcement.

As I said earlier, for the most part, CAFTA–DR nations have laws on their books. But they face a lack of resources, as well as domestic political opposition from influential people, which prevent them from enforcing these laws.

Again, this is not about pointing the finger or accusing these government leaders of malice toward their workers. I don't believe that. I don't believe that is the case here either. I believe they actually want to do the right thing. I know these leaders. I respect them. But our neighbors to the south are democratic countries. And as in all democracies, they have to deal with powerful opposition interests.

The question remains, will CAFTA–DR help these nations overcome this opposition to enforcement? In my view, it doesn't go nearly far enough to do so. That is why I met with Ambassador Portman yesterday to see if we could strengthen the prospects for enforcement. Laws that can't be enforced might as well not be there.

The administration seems to hold the view that support for expanded trade and economic growth is incompatible with advocating core labor standards in developing countries. But, in fact, experts in this area from the well-respected Institute for International Economics have concluded that ''core labor standards support sustainable and broadly shared political, social, and economic development.'' The operative word being ''shared.''

Let me say clearly I believe this agreement is fixable. I wish it could have been fixed. Ambassador Portman and I met. We exchanged letters. We worked hard yesterday to try and see if we couldn't strengthen this agreement with respect to enforcement. What we sought was the following, exactly what exists in the Cambodian Agreement that was negotiated by the Clinton administration and renewed by the Bush administration, to their credit. There we said that the International Labor Organization ought to be able to make site visits to actually go to plants and industries to see whether the labor standards were being upheld. Under CAFTA–DR, all they can do is go to the labor ministries and ask them whether the laws are being enforced. Obviously, in most of these countries the labor ministries are political appointees. They are not likely to be critical of their own government's efforts. By not having any standard which all countries must meet, each country will be able to set the floor. When they do so, of course, the competition to have a lower floor to attract more industry from outside the country lowers the living standards for the very people I have described who are living under some of the worst conditions anywhere in the world.

I am deeply troubled by this. I so much wanted to be for this agreement. I care so much about this region and what happens to these people. I would like nothing more than to be standing here today urging my colleagues to be supportive of this. This is not a minor point. It goes right to the heart of what we try to do with trade agreements; that is, to reduce these barriers, expand markets for our businesses and industries, create opportunities for additional job creation, and also to create and generate wealth in these countries so that in the long term, we can produce high value products, high value services, that are affordable in these countries.

So trade agreements have worked both ways—expanding economic opportunities for ourselves and creating wealth and opportunity in the countries with whom we trade. That is why I supported NAFTA and the Jordanian Free Trade Agreement and others. Indeed, I have supported far more of these agreements than I have opposed. But with CAFTA–DR, we are stepping backwards in a region of the world that needs a commitment to lift up the quality of life for its citizens.

I am not suggesting we could do it solely through this agreement, but you can begin to make a difference in these people's lives by insisting that they have to meet some minimum standards.

This is what we should be saying: We want to do business in your country. We want to accept your products. We want to trade with you. But the small price we ask is that you have some basic standards for the people who are going to do the jobs.

When you eliminate that, then you invite the kind of problems we are going to see with these people.

I am terribly disappointed today. I had hoped I would be able to support this agreement. I wanted to be a part of this effort. I respect immensely the President inviting us down and talking about this. I raised the issue with him. I also respect Rob Portman. He is a good man. Obviously, he has the difficulty of dealing with all 535 of us, in both this Chamber and the other, to try and get the votes to pass these agreements. This agreement is probably going to be passed tonight. My hope was that we would be able to broaden the specter along bipartisan support for this agreement both here and in the other Chamber. Unfortunately, I don't believe that will be the case.

Let me say to my colleagues: Even with the adoption of this agreement and the absence of these labor standards I feel so strongly about, it is my intention, through appropriate vehicles, to condition aid and other assistance on improving these standards in these countries. I will find one way or the other to try and improve them, to insist that these countries, in exchange for getting the kind of access to our markets, at the very least they ought to be required to improve the quality of life and the standards under which many of these people work.

We stand today at a moment of great opportunity and great risk for this hemisphere. The past two decades have witnessed the rise of democratic governments in nations that have long languished under dictatorship of left or right. But this progress is endangered. Globalization and free trade promise to bring historic levels of prosperity to nations north and south. But economic and social conditions for millions of men and women continue to lag dangerously far behind, threatening what we have worked so hard to build. Through well-crafted trade agreements, the United States can enhance its own prosperity and lift other nations on a stable and democratic path.

That is why I am so disappointed the administration wasn't able to explicitly support the efforts to give the ILO a greater role in the monitoring and verification process. I believe that in doing so, we would have significantly strengthened this agreement, especially given the troubled history of the region and the potential for mutual prosperity that a CAFTA–DR agreement held for all. Unfortunately, the agreement before us won't do that.

Last night I sent Ambassador Portman a letter detailing proposals that have already been adopted in other agreements. This is not breaking new ground. I appreciate Ambassador Portman's response today in the letter he wrote back to me, but I regret that his letter included no real concrete commitment that the U.S. Government would guarantee the implementation that I am requesting—specifically, that the ILO would be granted unfettered access to workplaces, permitted to establish mechanisms for receiving and investigating matters related to ILO labor standards, to make private recommendations to worker and employer organizations and appropriate officials within each government, and to issue periodic public reports of its findings on matters of concern.

Therefore, I am left to conclude that instead of breaking new ground and raising standards, the CAFTA–DR agreement is a step backwards from existing law. That fact saddens me deeply. This agreement will create a weaker set of standards that could very well negatively impact the people of this region, negatively impact American workers and our national security, and weaken democracy in these countries.

Regrettably, I won't be able to support this agreement when it comes to a vote. I say this with a very heavy heart.

But I will make a promise to the American people and to the people of these countries that I will work vigorously to ensure as we move forward with this agreement, workers' rights are protected and new avenues are explored for pursuing this goal. I hope at the end of the day, with all of the interests in this agreement, that our keeping the light shining on labor rights issues will make this agreement

work. Because even though I can't support this agreement in its current form, I truly want to it work for all.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida will be recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I rise today to speak in support of this CAFTA Free Trade Agreement. Like the distinguished Senator from Connecticut, I care greatly about this part of the world. This is a part of the world I know well, having been born in the Caribbean myself. I do believe it is an important moment, and it is an important agreement from a geopolitical sense for the United States and for Central America. I believe this is a good-faith effort on our part to further strengthen the struggling democracies and economies of our neighbors in Central America against the forces opposed to democracy and economic freedom and opportunity. I believe this also opens an important neighboring market of 40 million people and levels the playing field for American businesses as we seek to export our goods into this region.

Although I do think it is important to recognize this agreement will not come close to solving all of the problems in Central America, it should be a building block in addressing the great needs of this important part of our hemisphere. I believe DR–CAFTA is an important moment. I believe its adoption does not fix all that needs to be done. I think its rejection would be a tremendously bad signal to this region. It would be a tremendous blow to our furtherance of democracy and stability and economic prosperity for Central America. It is a very important step in improving labor conditions, boosting economic growth throughout the Central American region.

CAFTA is a critically important trade agreement for the State of Florida. We are the gateway to Latin America, to Central America particularly. Countries in Central America and the Dominican Republic form the largest foreign market for Florida exports.

In 2004, Florida exported $3.2 billion of merchandise to the region, far surpassing that of the other 49 States. CAFTA is Florida's largest export market for paper, electronic equipment, and fabric.

The CAFTA region is Florida's second largest export market for computers and computer equipment, machinery, and processed foods. Most of DR–CAFTA agricultural goods already enter the United States duty free. This will now even the playing field for our exports into the region.

The CAFTA treaty is supported by the Florida Chamber of Commerce, Greater Miami Chamber of Commerce, the Orlando Regional Chamber of Commerce, the Greater Tampa Chamber of Commerce, Governor Jeb Bush, Florida Citrus Mutual, Seaboard Marine, Associated Industries of Florida, the Florida Ports Council, the Florida Poultry Federation, the World Trade Center of Florida, Florida East Coast Industries, and many others.

No other State stands to benefit more economically from CAFTA than Florida.

Mr. President, I have been undecided in my position on CAFTA, as much as I support free trade and understand the power of leveling trade barriers, an important sector of Florida's agricultural industry was left unprotected by the original CAFTA agreement.

The sugar industry in Florida is an incredibly important part of our State. It provides over 23,000 jobs, mostly in rural Florida. Over $2 billion in economic activity is generated in Florida from the production of corn and sugar sweetener products. And because of this critically important economic engine for our State, I have resisted supporting CAFTA because of the potential impact on Florida's sugar producers.

So I and other colleagues began working to see what type of compromise might be reached for Florida's sugar producers so that they would be treated fairly in the event of a CAFTA agreement.

After many meetings, phone calls, conference calls, and hard work by Secretary of Agriculture Johanns, Ambassador Portman, my good friend, the distinguished chairman of the Agriculture Committee, Senator CHAMBLISS, along with a group of colleagues that Senator CHAMBLISS pulled together, an agreement has been offered that I believe extends and offers an opportunity to deal with the sugar problem.

I thank our Trade Representative, Rob Portman, for his hard work in trying to address the concerns of this important part of our agricultural industry. I am also very thankful for the leadership of my colleague, Senator CHAMBLISS, chairman of the Senate Agriculture Committee. Secretary Johanns, from the Department of Agriculture, was also instrumental in ensuring that we could come to a proposal on how we could best ensure that our domestic sugar producers were treated fairly after a CAFTA agreement. I thank them all for their work on this important issue to our State.

My goal was to ensure that the Florida sugar industry was treated fairly, be given a viable role in the future, and that they did not become the one industry in Florida, the one segment of our agricultural industry that would be harmed by a CAFTA agreement. But I do believe that this proposal offered by Secretary Johanns and the administration is the best case scenario for Florida's sugar producers.

The Secretary's offer is multifaceted. One, foreign sugar from all foreign countries cannot exceed the farm bill's 1.532-million-ton limit, regardless if it came from CAFTA countries, Mexico—which is under NAFTA and not subject to the farm bill—and other future trade agreements. This agreement will last until the current farm bill expires.

Two, USDA will conduct a feasibility study on the potential development of using sugar to produce ethanol on a wide scale in the United States.

Thirdly, if the domestic market reaches the sugar trigger from foreign sugar, USDA will purchase the excess amount of CAFTA sugar that is imported to the United States and then use it to produce ethanol. This pilot program will last until the farm bill expires. It essentially guarantees that if CAFTA sugar is proven to depress the marketplace, the U.S. Government will purchase this sugar from Florida farmers and others to produce ethanol.

This is a very substantial offer. It is an agreement that I think represents the sugar industry's best chance to plan for a future. It holds the industry harmless from CAFTA and, more than that, from NAFTA. The future of the domestic sugar industry lies in new technology and ethanol production, and this treaty allows them to begin that very important process.

Mr. President, this is an important moment for us and Central America and the Dominican Republic. It represents a future partnership in trade and economic development, a better future, a better life, and will hopefully help improve economic conditions and provide political stability.

We have a chance to help our Nation's manufacturers, businesses, farmers, and ranchers knock down trade barriers and help our country remain competitive in a global marketplace.

In summary, I have said consistently that before I voted for CAFTA, I wanted to ensure that all of Florida's agricultural sectors were treated fairly under this agreement, including the sugar producers.

I have worked hard to find a compromise that would offer protections to Florida's sugar producers from the threat of a flooded domestic sugar market.

I believe the proposals put forth by Secretary Johanns and the administration to hold imports of sugar to levels included in the 2002 farm bill is the best case scenario for Florida's sugar producers and ensures that they are treated fairly not only under CAFTA but NAFTA as well.

The sugar industry is incredibly important to our State, to our economy, and a vital part of our agricultural sector. The industry provides, as I said, over 23,000 jobs. Therefore, this is an industry that we want to make sure was not overlooked as we went about seeking this agreement.

Having obtained what I thought was a fair and reasonable offer, I believe now I can wholeheartedly support the CAFTA agreement. I believe it will be good not only for the United States and the State of Florida, but also for our neighbors in Central America and the Dominican Republic. I think it will provide a new opportunity and beginning and a new hope for this region to

begin on a much stronger road to economic development, to economic self-sufficiency, and, hopefully, tied into that is political stability, democracy, the rule of law, and the free market system.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Florida, and following the remarks of the Senator from Florida, I ask unanimous consent that 10 minutes then be allocated to Senator SESSIONS and that the time be taken out of the time allocated to Senator GRASSLEY.

The PRESIDING OFFICER. Did the Senator yield 10 minutes to the Senator from Florida?

Mr. BAUCUS. Yes, 10 and 10.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I worked on this trade agreement pretty hard. Now that this agreement is in front of us, despite some lingering concerns I have, I will support it. This agreement affects my State of Florida more than any other State in the Union. For example, in 2004, the State of Florida exported $3.2 billion worth of merchandise to the DR–CAFTA region. Florida has the highest total among any State. The next nearest State, Texas, exported $1.8 billion. And the DR–CAFTA region accounts for 11 percent of Florida's total exports.

Florida does stand to gain a great deal from this agreement. Miami, which is really the capital of the Americas, is the national gateway to Central America and the Dominican Republic. Throughout the rest of Florida, we have other industries that will also increase their business and explore new opportunities in the region.

These Florida industries stand to grow enormously. Because of our unique relationship, we have been talking about thousands of jobs created in the first year and tens of thousands of jobs in the coming years as a result of DR–CAFTA's enactment.

I have been to the Dominican Republic. I have spoken with the President, Leonel Fernandez. I recently went to Honduras at the invitation of the President Maduro and spent a couple of days there and spoke at length with not only our U.S. embassy personnel but members of the Government of Honduras.

I believe that dramatically lower tariff barriers also will lead to increased exports to the region from Florida and through Florida's ports. This increase in business and industry for my State is a good deal and will increase our connections with these countries and all of Latin America.

This agreement is also, I believe, in our national interest. Free and fair trade creates new economic opportunities for Americans, and it creates economic uplift in these other countries. This economic uplift is critical to ensuring that these countries remain stable and people are not forced to emigrate in search of employment.

As we try to stabilize countries in the region, promote democracy, clearly their economic enhancement is in the interest of the United States, in order to see those struggling democracies flourish. And that is the clear message I heard as I traveled extensively throughout Latin America.

Unfortunately, as we know, free-trade agreements do not affect all industries equally, and Florida has vulnerable industries that we must protect from unfair trade practices. My colleagues have heard me speak many times about the Florida citrus industry and the threat that it faces from Brazil. Today, I raise my concerns about another important Florida industry, and that is the sugar industry.

DR–CAFTA, as negotiated, asks our sugar industry to sacrifice more than other commodities. American sugar producers face an international market where sugar is sold at artificially low prices because of unfair labor practices and habitual dumping.

In the last FTA, the Australia agreement, interestingly, sugar was excluded, but the administration changed course on CAFTA negotiating extra sugar access and, at the same time, establishing a new precedent.

I worked with numerous Senators, especially over the last 3 weeks. I have raised sand with the administration about these provisions. I have let them know that there was more that could be done to protect the American sugar industry. In response, the administration has made some commitments that I believe will help mitigate the impact on our domestic sugar producers through the life of the 2002 farm bill, which will go for another 2 or 3 years.

Sugar levels available on the U.S. market will not go above the level established in the farm bill. Ambassador Portman, the U.S. Trade Representative, and I had a personal eyeball-to-eyeball meeting this afternoon. He made it clear to me that there is no prospect of any substantial sugar concessions being included in any other trade agreements through the life of the farm bill. This was an individual conversation, and he is not going to take that position officially because he does not want to tie his hands, but that is the bottom line of our conversation.

The administration has also committed to study the feasibility of converting sugar into ethanol. At my urging, the Deputy Secretary of Agriculture—and this was arranged by Ambassador Portman who directly gave me his word—said: Do you want it in writing? I said: I accept your word, that is good enough for me, but others may like to see it memorialized. He said: I will get you a letter.

I have this letter, and I ask unanimous consent that the letter be printed in the RECORD.

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

THE DEPUTY SECRETARY
OF AGRICULTURE,
Washington, DC, June 30, 2005.

Hon. BILL NELSON,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR NELSON: I write to provide further guidance on the feasibility study outlined in Secretary Johanns' June 29, 2005 letter to Senator Chambliss (attached), which was the result of discussions between the Senator, the Administration and the Members of Congress that the Senator brought together.

They agreed that the Secretary would conduct a feasibility study on converting sugar into ethanol and submitting the results of the study to Congress not later than July 1, 2006. The Department of Agriculture will begin the feasibility study immediately and I intend to have an initial meeting with our economists during the week of July 4. Furthermore, it would be USDA's intention to issue an interim report by December 15, 2005.

I hope this additional clarification is helpful to you.

Sincerely,

CHARLES F. CONNER,
Deputy Secretary.

Mr. NELSON of Florida. Mr. President, this letter is from the Deputy Secretary of Agriculture, who has promised to commence a feasibility study on converting sugar into ethanol and to start it immediately, with an initial meeting of the agricultural economists next week, the July Fourth week. I believe at that point they will and should lay out a baseline of the knowledge we have on this issue.

I expect that will occur, and I expect that quite a lot of research on converting sugar into ethanol has already been carried out and that this study should acknowledge this research and build upon it. In other words, don't start the feasibility study from scratch.

The Deputy Secretary has also promised me that the Department of Agriculture will issue an interim report in addition to what they had earlier promised, a report that would be concluded by July of next year, 2006. In this letter, the Deputy Secretary says they will issue an interim report by December 15, 2005.

The feasibility study is a start, but we can do much more. In every other ethanol program around the world, sugar is included. I urge the conferees on the Energy bill and the administration to make sugar a part of the ethanol program established in that bill.

I ask unanimous consent that my letter to the conferees be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, June 30, 2005.

Hon. PETE V. DOMENICI,
Chairman, Senate Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. JOE BARTON,
Chairman, House Energy and Commerce, House of Representatives, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member, Senate Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, House Energy and Commerce, House of Representatives, Washington, DC.

DEAR SIRS: I support the inclusion of provisions in the House and Senate energy bills to increase the renewable content of our motor vehicle fuel. Renewables such as ethanol burn cleaner, reduce tailpipe emissions and decrease the amount of oil in our gasoline. But, I urge the Energy Bill Conference Committee to require that 100 million gallons of the five to eight billion gallon-a-year ethanol mandate be sugar-based.

As you know, sugar cane stalks, or bagasse, produce almost twice as much ethanol per acre as corn and several countries use sugar-based ethanol to fuel their motor vehicles. In fact, Brazil reduced their importation of oil from 80% of their demand in the 1970s to 11% today in part by using ethanol, much of it sugar-based. For these reasons, specifying that a 100 million gallons of sugar-based ethanol be required as part of the overall ethanol motor vehicle fuels program would be an important step towards decreasing our use of fossil fuels and increasing our use of renewable fuels.

Thank you for your consideration.

Sincerely,

BILL NELSON.

Mr. NELSON of Florida. Expansion of alternative fuel programs is an urgent national priority. If we are concerned about importing 60 percent of our daily oil consumption from foreign lands, we best develop a substitute, and ethanol works in our existing gasoline engines.

In conclusion, frankly I believe the administration could have done better. They could have started discussions with the industry sooner by allowing all parties to explore the available options. I believe more time could have led to further agreements and compromise, but I must look not to the interests of one very important industry in my State but also to the greater interests of Florida and especially the Nation as a whole.

I will vote for CAFTA today. It is important to my State and it is important to the Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for all of my colleagues no matter what they decide to do on this vote. I think the vote is probably predetermined this evening. I must say there are a lot of promises I have heard on the floor the last day or so. There have been a lot of promises made downtown. I would only point out that I have seen the result of most of these promises after the votes are taken and most of them have not been worth the paper they are written on or the assurances given have not been valuable at all.

One might want to look at the side agreement dealing with sugar from Mexico; one can then go on to a sweetener agreement with Mexico; then can go on to a lot of these areas and understand that there are a lot of promises in order to get these bills passed, but by and large they do not amount to very much. They will not need anybody in this Senate after the ''yes'' votes are cast.

I start at the beginning, if I might. I know we are nearing the end of this debate. I do not want to go all the way back to the beginning, but let me go back a fair piece. It is when John Adams is in Europe as they are putting this new country together. He is in Europe representing our country. He writes back to his wife Abigail and asks Abigail the question: Where is the leadership going to come from? Where will the leadership emerge to help form this great country of ours, to help form a new government?

He plaintively kept asking, where will the leadership come from? Then in subsequent letters he would say to her, there is really only us. There is me. There is Thomas Jefferson, Ben Franklin, George Washington, Madison, Mason. Of course, in the rearview mirror of history, the only ''us'' represents some of the greatest human talent ever assembled. They wrote a document that is the most remarkable document. It is a document called the U.S. Constitution that begins with ''we the people.'' That Constitution that begins with ''we the people'' provides mechanisms, the framework of our Government, the framework of a representative democracy.

Over many years, with that document providing the fabric of the growth of this great country, we have been a country that has been divinely blessed in many ways. We have built a place unlike any other place on the face of this Earth. There is no place like it. One can spin the globe and on this little planet called Earth, with 6 billion neighbors, there is no place quite like the United States of America.

We created an expanded set of opportunities for all Americans, through a lot of good decisions; for example, universal education. We as a country decided long ago every young child ought to be whatever their God-given talents allow them to be. We are not going to separate kids in our school system. They get to go to school and they get to become whatever their talents allow that child to become.

That universal education for all Americans has created a country that is unlike any other in the world. We went from the Colonies to the States. We survived a Civil War. We beat back a Depression. We resisted the oppression of Adolf Hitler, won a Second World War. We provided a GI bill, and when those soldiers came back from that war, they went to college. They got their college degrees. They came back to their communities. They built a home, got married, raised a family, built schools, built communities. What a remarkable country this has been.

It all comes back to this book, this Constitution. Other countries have constitutions, but none are quite like this Constitution. This Constitution says something about international trade and commerce. It describes the regulation of commerce and trade to the Congress. It is our responsibility, not the President's responsibility.

So over a number of years we have worked on and dealt with these issues and then we have had in many ways an almost breathtaking series of decades. We have split the atom, we have spliced genes, we have cloned animals, we invented plastics, nylon, the radar, the silicon chip. We cured polio, smallpox. We built airplanes, learned to fly them. We built rockets, flew to the Moon and walked on the Moon. We created telephones, television sets, computers. What a remarkable set of achievements for the men and women in this country who are the doers, the achievers, the inventors. We stand on each other's shoulders looking to the future.

So about three decades ago things began to change. This world became smaller. We started hearing about the global economy. We began to do more and travel more and have more connections with other parts of the world, and particularly large corporations which were developed because of economies of scale. Those large corporations began to be able to do business in more than one country. Then they defined for their own interests the opportunities by which they would do that business. It then became a global economy. In that global economy, we began to hear the term free trade, free trade, like a chant, almost like the hare krishna chanting on a street corner, wearing robes: Free trade.

Well, free trade is of little interest to me. I am very interested in expanded trade and fair trade, but free trade, there are a lot of things that are free.

This country built a place unlike any other on the face of this Earth and we need to be concerned about its continuation. So the question is what kind of trade gives us the opportunity to continue improving the standard of living in America, creating an economy that produces new jobs and new opportunities?

I am sure every single set of parents in this country wants things better for their kids. If there is something in second place, beyond the importance of their children, I guess I understand that, but everybody would believe, I expect, that what is most important in their lives is their children. We care about these things that affect our children. Are we sending our kids to good schools? Are we proud of these schools? Do we believe we are able to leave a world that is a better place in which to live than the one we found? Is that what we are going to do for our kids?

So as we confront this question of the new global economy and a new

global strategy, the galloping globalization of our economy, without a set of rules that has kept pace, the question for all of us is: What does it mean for our country? What does it mean for our future? What does it mean for our kids—especially our kids?

In the past decade, we have seen a very substantial loss of American jobs. Some people say, do not worry, be happy, ignore it. It is all part of the transition. What we will see is our low-skilled jobs move elsewhere, we will educate our children, and we will assume the role of high-skill, high-paying jobs; don't worry.

So we pass trade laws. They are called CAFTA and NAFTA and GATT, WTO. We do all of these things. Then somehow, at the end of this process, we look back and we see, you know, something fundamentally has changed. Somebody has pulled the rug out from under what are the basic strengths of this country—a good job that pays well, that provides benefits, that you can count on.

About 30 years ago the biggest corporation in America was General Motors. In most cases, people who went to work for General Motors expected to work there for a lifetime. They were paid well and they had benefits, health care and retirement. That was 30 years ago.

Now the largest corporation is Wal-Mart. They do not pay so well. Most people do not spend a lifetime at Wal-Mart. The average wage is much lower, and a fairly substantial number of their employees do not have benefits.

That is a very substantial change, really a dramatic change in our country. But the biggest change has been the development of a set of ideas by those who are able to influence thought in this country, particularly the largest corporations that have unlimited quantities of money, who convinced us that free trade, as a moniker, is a mechanism for success in our country.

So we pass trade agreements, the end of which means we lose American jobs, lose economic strength, and somehow believe that somewhere in the future things are going to get better.

I want to show a chart I have shown many times during this debate. It is a chart that shows what has happened with our trade deficit. This is a dangerous trend. Behind these red lines are lost jobs, families who lost their jobs, hundreds of them, thousands of them, and millions of them. Not many people in here know those people. No one in this Chamber lost his or her job because we all put a suit and necktie on and come to work. Nobody is going to get outsourced or offshored in the Senate. But all these folks did.

I have lists of companies and lists of names of people who just lost their job because of this new approach, a new defined approach in international trade that says in our country, we will be the leader that says go ahead and find, with the mechanism of production, the lowest cost production in the world. Get your Gulfstream, circle the globe and find out where you can produce for 30 cents an hour. Move that job to that area and, by the way, when you do, we will give you a tax cut. Let me say that again, because that is kind of a Byzantine proposition. When you close your American factory and fire your American workers, you get a tax cut from our Government. And, yes, I have tried twice to change that in the Senate and, yes, a majority of the Senate voted to keep a tax cut for workers who get fired and companies that move those jobs overseas. I will put in the CONGRESSIONAL RECORD their names. I really don't need to. A very easy Nexis-Lexis search will give you the names of who decided they should keep their tax cuts for companies that move their jobs overseas.

The point is, we are seeing this inevitable, relentless move to produce where it is cheap and then sell into the established marketplace. The problem is, this is unsustainable. This is a theory that is off track and it is a practice that injures this country.

Why do I say the theory is off track? Henry Ford decided, when he was going to make Fords, that he wanted to pay his production workers sufficient money so that they could buy the cars they were producing. That is pretty simple. That is simple economics. If you are paying your workers enough money so they can buy the products they are producing, you have a market and a consumer for the product. A pretty smart guy, Henry Ford.

Now it has changed. Now we should produce those shirts and those shoes and those trousers and all the trinkets where you can do it for 30 cents an hour and then ship it to Fargo and Toledo and Dayton and Los Angeles and New York and sell it there.

The question is, Who ultimately is going to buy that? Who ultimately will buy this?

We have a lot of dislocations that are dangerous. I have not talked at all about this, and I will not talk at length. A part of this, by the way, is oil. A part of this is oil. There are some on this globe who are lucky enough to have enough oil under the sands so if you stand in a depression in the sand with boots, your soles are going to look oily because some parts of this world are loaded with oil, particularly the Middle East. So the Saudis, Kuwaitis, Iraqis, and others have a lot of oil. We are desperately and hopelessly addicted to it. Our economy is addicted to it, and that is part of this. It also relates to jobs because, when you have the purchase of oil from these countries—Saudi Arabia and Kuwait and so on—they end up with American dollars, which means they want to buy American companies. They want to buy American stock. It is a way of buying part of our country.

In today's newspaper it says, ''China Tells U.S. Not To Meddle in the Bid for California Oil Giant.''

The story is the Chinese want to buy the ninth largest oil and gas company in the United States called Unocal.

Why would they want to buy Unocal? They are like everybody else. They want to control oil to the extent they can. The Chinese, I am told, now have 20 million cars. They have 1.3 billion people. By 15 years from now they are expected to have 120 million automobiles. They are going to need gas. They are going to need a lot of gas. The price of oil is not going to go down, it is going to go up. They want to buy an oil company. I don't think this should happen in a million years, by the way. I don't think we should have the Chinese buying American oil companies, but I will tell you why this is happening. It is happening because these trade deficits are putting massive amounts of money in the hands of Chinese, and it gives them the opportunity to purchase, on the open market, America's stocks, bonds, companies.

I mentioned previously that Warren Buffett, whom I like a lot—I think he is the second richest man in the world, but you would never know it. Warren is just a great guy. Warren Buffett described this problem as ''a country that is now aspiring to an ownership society will not find happiness in a sharecropper society.''

This is where we are heading, he says, a sharecropper society. He describes this is when every day, 7 days a week, you put $2 billion in the hands of foreigners. You are buying $2 billion more from foreigners than you are selling to them every day, 7 days a week. You are putting $2 billion more into hands of foreigners and foreign governments. That means each day they have more purchasing power to buy another part of America. That is where this comes from. The Chinese want to by Unocal. That is where the money comes from, the $140 billion trade deficit with China last year. That means they have our country's currency. They have the capability of buying our stocks and our companies.

The question is, Do we care about that? Does anybody here want to change the strategy or do you want to do some more of it?

The attitude in the Senate, as I think we will discover when the vote is taken tonight is that if you are digging yourself into a hole, what you need is more shovels and just dig a little harder. That makes no sense to me.

If there is one person in the U.S. Congress who does not understand the danger of this, then they are in the wrong business. This is trouble. This comes from CAFTA, it comes from GATT, it comes from incompetent trade negotiators and bad trade deal after bad trade deal. I just heard on the floor of the Senate today, I will bet you six people who talked about promises that have been made to them in order to get this trade deal through the Congress. These promises mean nothing. These are totally, completely empty promises.

Let me briefly describe this. I am going to use Warren Buffett to describe it because, again, I like Warren Buffett. He described it this way. Stay with me just for a moment.

To understand why, take a wildly fanciful trip with me to two isolated, side-by-side islands of equal size, Squanderville and Thriftville. Land is the only capital asset on these islands, and their communities are primitive, needing only food and producing only food. Working eight hours a day, in fact, each inhabitant can produce enough food to sustain himself or herself. And for a long time that's how things go along. On each island everybody works the prescribed eight hours a day, which means that each society is self-sufficient.

Eventually, though, the industrious citizens of Thriftville decide to do some serious saving and investing, and they start to work 16 hours a day. In this mode they continue to live off the food they produce in eight hours of work but begin exporting an equal amount to their one and only trading outlet, Squanderville.

The citizens of Squanderville are ecstatic about this turn of events, since they can now live their lives free from toil but eat as well as ever. Oh, yes, there's a quid pro quo—but to the Squanders, it seems harmless: All that the Thrifts want in exchange for their food is Squanderbonds (which are denominated, naturally, in Squanderbucks).

Over time Thriftville accumulates an enormous amount of these bonds, which at their core represent claim checks on the future output of Squanderville. A few pundits in Squanderville smell trouble coming. They foresee that for the Squanders both to eat and to pay off—or simply service—the debt they're piling up will eventually require them to work more than eight hours a day. But the residents of Squanderville are in no mood to listen to such doomsaying.

Meanwhile, the citizens of Thriftville begin to get nervous. Just how good, they ask, are the IOUs of a shiftless island? So the Thrifts change strategy: Though they continue to hold some bonds, they sell most of them to Squanderville residents for Squanderbucks and use the proceeds to buy Squanderville land. And eventually the Thrifts own all of Squanderville.

At that point, the Squanders are forced to deal with an ugly equation: They must now not only return to working eight hours a day in order to eat—they have nothing left to trade—but must also work additional hours to service their debt and pay Thriftville rent on the land so imprudently sold. In effect, Squanderville has been colonized by purchase rather than conquest.

That is my friend Warren Buffett's description of what is happening. And it is why, by the way, the Chinese have the money to buy Unocal. This is about Squanderville and Thriftville. The question he asks: Is anybody listening? Regrettably, the answer in the Senate is: Precious few.

I have spoken at great length about companies. I have not spoken previously about Pennsylvania House, which I will do just for a moment. I have talked about Huffy bicycles, Radio Flyer little red wagons, Fig Newton cookies—which, by the way, went to Monterrey, Mexico, so if you want some Mexican food, order Fig Newton cookies.

Let me tell you about Pennsylvania House Furniture, high-end furniture made with Pennsylvania wood, hardwood and cherry wood, high-end, terrific furniture, made for many decades in Pennsylvania and marketed as Pennsylvania Furniture.

Pennsylvania House Furniture was purchased by Lazy Boy Corporation about 4 years ago. Lazy Boy decided it is just too expensive to manufacture Pennsylvania House furniture in Pennsylvania, so we have to move it to China. Now Pennsylvania House furniture will be made in China. They will ship the wood from Pennsylvania to China, the hardwood, the cherry wood. They will put it together in China and ship the furniture back.

So it is for Robert Zechman. Robert Zechman worked for that company for 29 years. On December 21, four days from Christmas, he got his letter: You get $92-a-year severance for the service you have given this great company. Now we are shipping the wood and your job to China. They put the furniture together and ship it back. We will still call it Pennsylvania House Furniture, but the only Pennsylvania part of that furniture is the wood. The people are expendable.

The question is, Does anybody care about that? Does it matter to anybody? It mattered to Pennsylvania. Governor Rendell said: We have 500 people who work here. We would like to save these jobs. They put together an effort to save those jobs. Finally, we were told that Lazy Boy said: We are not interested in having competition domestically, so we are not going to sell. We are moving to China.

Same story with Huffy bicycles. Same story with dozens and dozens and dozens of companies.

I spoke last week about a refrigerator company that decided they will close their American plant, notify the workers: No jobs in this country for you anymore. Why? Because we are going to make those refrigerators in Mexico. And, by the way, just to rub salt in the wound, one part of the manufacturing plant with which they will manufacture those refrigerators in Mexico has an Ex-Im Bank loan. That is a loan subsidized by this Government to build a part of a plant in Mexico to house the jobs of the workers who were fired in this country to build some refrigerators.

Does it matter? Maybe not to some. It matters to me. Does it matter whether we make refrigerators? Does it matter whether we make fine furniture? Does it matter whether we have a manufacturing base? Will America remain a strong world-class economy if it gives its manufacturing sector away?

In the last 25 years, we have lost one-half of our manufacturing capacity. Is there anybody here who is having an apoplectic seizure about that? Not hardly. We snore our way through this. President after President gives us a new trade law to see if we can improve on this massive debt that keeps growing and growing and growing. In the meantime, Robert Zechman will probably ask his Congressman or his Senator: What is going on there? Are you standing up for America, standing up for jobs in this country? Absolutely, he will hear. You bet your life. We are all for American jobs. It is just that the trade agreements trade them away—quickly. The majority of the people in the House and the Senate are going to vote for these trade agreements.

America Online—December 2003—had just laid off 450 American employees, mostly design engineers and software engineers, in its California offices. Then those same engineers read that America Online was trying to hire software development teams and engineers in Bangalore, India. Does that mean you change your name to India Online, or is it still America Online that divests itself of U.S. employees and hires the engineers in Bangalore?

The list is endless. We come down, finally, to a choice, a choice this Senate will make once again on another trade agreement. The NAFTA trade agreement, called North American Free Trade Agreement, was negotiated between the United States, Mexico, and Canada. It was just one more chapter of bad trade agreements. But before that trade agreement, we had a slight surplus in trade with Mexico. We had a modest deficit with Canada. Now we have had about 10 years of trade agreements called NAFTA, and now we have a very large trade deficit with Mexico and a larger trade deficit with Canada. One would wonder if somebody would stand up and scratch their head and say: Gee, I wonder if we didn't make a mistake here.

The economists, by the way, who most trumpeted the benefits of NAFTA, the North American Free Trade Agreement, were two economists named Hufbauer and Schott. I am sure they are still practicing economists. I see the names Hufbauer and Schott.

I actually used to teach economics. Economics is just a little bit of psychology pumped up with a lot of helium. I taught it for a little while and was able to overcome that experience and still lead a productive life.

But these economists, Hufbauer and Schott, said: If you just pass NAFTA, we will promise you a remarkable future. What will happen is jobs will transpose. We will see low-income, low-skilled jobs being performed by Mexicans and high-skill, high-wage jobs now producing a product to be sold into an emerging middle class in Mexico, and those will be produced in America.

These people were totally, completely wrong about everything. Has anybody said, We were wrong? Of course not. In this debate on CAFTA, which is another acronym—NAFTA, CAFTA, SHAFTA, whatever it is—on this debate, we are now hearing NAFTA was really good. Boy, if we could just get some more of this spoiled trade agreement, somehow things would be better off. They would not be better.

Let me try to tell you what I believe our obligation is. Yes, I want a strong

economy. Yes, I want American companies to understand we support their interest in competing around the world.

But I believe that, first of all, in the boardrooms they ought to say the Pledge of Allegiance from time to time. If we charter American corporations as artificial people—and that is what a corporate charter is about. We say we are going to create you as an artificial person. We are going to give you a charter which gives you limited liability. You can sue and be sued, contract and be contracted with. You are, in fact, an artificial person. If that artificial person, by corporate charter, given by this country, is in America, then it ought to care just a bit about this country's interests. And, yes, maybe just a recitation of the Pledge of Allegiance, occasionally, in the boardroom might help.

When we hear people say, ''We want all the benefits for our corporation being American, except the responsibility for paying taxes is something we want to shed,'' I worry about loyalty and commitment to this country. And, yes, that is happening. We see what is called inversions, where corporations want to renounce their American citizenship to become citizens of the Bahamas. Why? Because they want to become Bahamian citizens? No. Because they want to avoid paying U.S. taxes. I have always said, if they want to do that, if they run into trouble, let them call out the Bahamian Navy. My understanding is, there are about 24 people in the Bahamian Navy. Let them call on the Bahamian Navy.

The point is, I think we ought to support American companies in competing around the world, but we ought to expect certain things from them as well. The same is true with respect to other countries. Whether it is China, Japan, Europe or Korea, we should not any longer sit idly by and roll our eyes at trade agreements that are unfair to our workers and unfair to our companies.

Let me again mention just one specific piece of information. I do not mean to pick on Korea for the sake of picking on Korea. I have spoken about the Chinese automobile trade previously. Korea, this year, if this year is similar to last year, will likely send us about 680,000 Korean cars, all on ships, to be delivered to the United States, and to be sold in the United States—680,000 cars produced in Korea, with Korean labor, to be shipped to the United States.

Do you know how many cars the United States will produce that we will be able to sell in Korea? Do you think it will be 680,000? No, 3,900. Do you know why? Because Korea does not want American cars sold in Korea. They had a little spurt once on the Dodge Dakota pickup, and they shut that down real quickly. So 680,000 cars coming this way; 3,900 cars going from the United States to Korea.

I think for us to put up with this stuff is unbelievable, just unbelievable, in its ignorance. I would say to the Koreans, with respect to that piece of bilateral trade, if that is what you want to do on bilateral automobile trade, then, for a while, why don't you sell your cars in Zambia? Just ship them to Zambia, and we hope you have a good commercial success with them. Very soon, they would understand they need the American marketplace, and in exchange for needing the American marketplace, to have their marketplace wide open to us.

We know, those of us who will vote against this, and especially those who speak as I do, we know that the Washington Post, which will largely not run any op-ed pieces from those of us who hold our view, they and the other institutional thinkers on this will say: Well, do you know what you are? We have just heard you speak, and you basically ignore the world as it is. You are willing to reject the global economy, despite the fact that it exists and is there. And what you are is a xenophobic, isolationist stooge that simply is incapable of seeing over the horizon. You don't have the breadth of thought we do. And because you don't, you have a basic level of ignorance. That is how they treat people who do not buy into the jingoism of free trade.

This country used to be known as a country of shrewd Yankee traders. We were good. Our country wants us to succeed. We should want us to succeed. And we want to help others succeed with trade relationships that help lift others up, not push us down. But I have described already what we have gone through in the last century.

Unlike almost any other country on Earth, in the last century we decided some pretty basics things. And there are some people who had a tough time forcing these things to happen. I do not have the names of the people who were killed on the streets of America who were demanding the right for labor to be able to organize, but they died. Those who fought for a safe workplace, they suffered. Those who demanded a fair part of the income stream in this country for those who work for a living, they too paid the price for that. Those who fought, who said, belching chemicals into the air and water out of our factories, it is poisoning where we live, and you have to stop it—and they forced Congress to put an end to it—they paid a price for that as well.

But we did all that. It made sense. And now all of a sudden we see that does not matter. What matters is to be able to pole-vault over all of those regulations and go set up a factory in Guangzhou and produce that commodity and send it to Pittsburgh. And the consumer may get a $25 lower bill for that commodity. The consumer probably lost their job to the worker in the factory in Guangzhou, but they are able to pay slightly less for that commodity. That is not a bargain for our country. It is a way for our country to lose economic strength and to lose its way.

Now, let me just conclude by saying I have great hope for this country. If I did not have hope, I would not serve here in the Senate. We come here from a quiltwork of interests around the country—some big States and some small States, some big towns, some small towns, ivy league colleges and State schools. I come from a town of 300 people. I think it is a thrill every day to go to work. I think it is a special privilege to be here. If I did not have hope, I would not keep coming here, I would not have run for reelection last fall.

I still have hope that, in the long run, we will understand that the path we are on cannot be sustained and there is a better path. And it is not a path that is selfish. It is not demanding ''us or nothing.'' It is just a path that understands our first responsibility is to nurture and strengthen and protect this country of ours and to do what we think is necessary to give our kids opportunities. We need to leave this place better than the way we found it. And that is not what is going to happen unless we change course.

So I am on the floor of the Senate, not to preach but just to try to play a role in seeing if we cannot finally make a U-turn on these issues and head in the right direction, in a direction that says to our trading partners—China, Korea, Africa, South America, CAFTA, Central America—it says to them: Yes, we care about this. We want to help you. We want to work with you. But we do not want to do that at the expense of taking the American economy apart. We do not want to do that at the expense of saying to American families: We are busy helping somebody else down there, and so we do not have time to worry about your job.

If this country says to the people who make bicycles, ''You are paid way too much. You are paid $11 an hour plus benefits. We cannot afford that. Those jobs go to China,'' there is destined, in my judgment, to be nothing but hopelessness for those who come after us. I do not believe we can allow that to be the case.

I started by saying John Adams used to write back to his wife, when he was helping put this great country together, and asked her plaintively: Where is the leadership? Who will be the leaders? Where will the leadership come from in this country? And the answer in every generation in America has been to provide that leadership. And that question is a loud question in this country, again. It begs for an answer. Who will be the leaders? Where will the leadership come from to put this country back on track, to put its economy back on track, so 5 years, 10 years, and 25 years from now we can see something that gives us some confidence and some faith this is going to be a better place for our children.

Mr. President, I reserve the remainder of my time and yield the floor.

U.S.-DOMINICAN REPUBLIC, CENTRAL AMERICAN FREE TRADE AGREEMENT

Ms. MIKULSKI. Mr. President, I rise to oppose the U.S.-Dominican Republic, Central American-Free Trade

Agreement, CAFTA. I support free trade when it is fair trade. Yet this agreement is not fair for workers in America or in Central America.

The truth is, this agreement will not dramatically change the trade relationship between the United States and our neighbors in Central America.

Thanks to existing agreements, like the Caribbean Basin Initiative, there are relatively few trade restrictions today between the U.S. and the nations of CAFTA.

The small increases in trade of textiles and agriculture products that will result under CAFTA represent a very modest increase in U.S. revenue. According to the U.S. International Trade Commission, CAFTA will generate a net increase in U.S. revenues of just 0.01 percent per year.

So this agreement is not going to do much to help the American economy. But it contains provisions on labor, the environment and sugar that could harm America's working men and women and their families.

I think we have widespread agreement that workers in the CAFTA countries face very difficult conditions.

In most countries, workers have a very hard time trying to unionize and bargain collectively. Intimidation of union organizers is not unusual. It often goes unpunished.

There is even a significant amount of child labor in some sectors in these countries.

So CAFTA is a prime example of a trade agreement that must have strong labor provisions if it is to guarantee trade that is not just free, but fair.

But there is only one labor provision in this agreement that is enforceable through the regular dispute settlement procedures, and it is a weak one.

It does nothing more than require a country to enforce its own trade laws, no matter how weak. And if a company is found in violation of its national trade laws, the government pays the fine—not the company.

That is not much incentive to encourage employers to abide by the law and treat their workers with respect and dignity.

Let me be very clear about one thing. I support trade. I encourage trade. Trade is very important to my State. Maryland workers can compete successfully in a global marketplace, if they're given a level playing field. That's why I support expansion of fair trade.

I have supported past trade agreements, like the Jordan Free Trade Agreement, that included strong, enforceable labor provisions. This agreement does not live up to those standards.

CAFTA's weak labor provisions are a raw deal for American workers.

They send a terrible message to the men and women in CAFTA nations who are trying to earn a fair wage to support their families.

Our message to them is, we want to do business with the companies you work for, but we aren't concerned about how they treat you. That's not the message I want to send to our neighbors.

On the environment, we also face some serious challenges in the CAFTA countries.

As with the labor provisions, the environmental provisions in CAFTA are too weak. The one enforceable environmental provision simply requires countries to ''effectively enforce'' their own environmental laws.

Again, I believe in free trade that is fair trade. And fair trade must include environmental protections. We need strong, enforceable environmental provisions to protect American jobs. We also need them to ensure that our neighbors have access to the same clean air and safe drinking water that we enjoy.

Finally, Mr. President, I am very concerned that CAFTA unfairly exposes the American sugar industry without opening other markets for U.S. sugar.

Even the administration recognizes that CAFTA as it was negotiated will unfairly target our sugar industry. That is why they have come up with a complicated scheme to pay CAFTA-nation governments and sugar producers not to export sugar to America.

But this deal is no deal for the men and women of America's sugar industry. And it is no deal for the American taxpayer who, under this plan, would pay between $150 million and $200 million a year to foreign governments and companies.

It makes no sense to negotiate an agreement that opens U.S. markets to foreign sugar and then pay foreign producers not to take advantage of that agreement.

Even this flawed plan would not do enough to protect the U.S. sugar industry from unfair trade. It would expire after just two years, exposing the U.S. market to cheap, low quality imports.

And it does nothing to open large, protected sugar markets in Europe that remain closed to U.S. sugar exports.

I support the idea of developing stronger ties between the U.S. and our neighbors in Central America.

These nations have made great strides toward democracy and openness. We should work more closely with them to support their recent gains in the rule of law and efforts to fight terrorism, organized crime and drug trafficking.

But this trade agreement is seriously flawed. It does not do much to increase free trade, and it certainly does nothing to support fair trade. It is not fair to American workers and their families, and it is not fair to workers in Central America. I will vote no, against CAFTA.

Mr. LEAHY. Mr. President, I cannot in good conscience support the CAFTA agreement as proposed by the Administration. I reviewed this agreement carefully and evaluated the arguments of both sides. Exports play a central role in the economy of my home State of Vermont, where some of the finest specialized goods in the world are made, from computer chips to cheese. Free and fair trade benefits us as Vermonters, and it benefits the country. I have often voted in favor of various trade agreements, including NAFTA and recent bilateral trade accords with Jordan, Singapore, and Chile.

I strongly believe free trade and the agreements that facilitate it will be critical to the well being of my State and our country in the years ahead. But we have a responsibility to ourselves and those we trade with to make sure these agreements are soundly predicated, are fair to both sides, are constructed to advance the interests of the many and not just a few, and that they will protect the environment upon which we all ultimately depend. I do not believe this trade agreement adequately meets these tests, and I cannot in good conscience vote for CAFTA.

I have great respect for some of Central America's leaders who favor this agreement. I know they have the interests of their countries at heart. But I believe they overstate the positive effects this agreement would have and give too little weight to negative effects. The weak labor and environmental provisions of this agreement will do little to help the hardworking men and women of Latin America, and in fact may make their already difficult lives even harder and more dangerous.

I also believe that this agreement is a diversion from the larger trade issues that will make a real difference for the long-term health of our own economy. This deal should be carefully and conscientiously re-negotiated to adequately address these pressing concerns.

There has been a lot of ink spilled from the administration and from groups representing particular interests arguing that CAFTA will be a significant boost to the U.S. economy. When you are talking about Central American economies that have a combined gross domestic product of a medium-sized U.S. city, this argument just does not carry weight. Yes, U.S. consumers might be able to buy some Central American exports at a cheaper price. And, yes, U.S. manufacturers might gain greater access to these markets. But these countries are so small that the impact on the U.S. economy will be negligible. For instance, this agreement would help the dairy producers in my home State of Vermont only marginally, at the very best.

We all know that when we talk about trade, what makes a real difference for the economy is trade with our larger trading partners—Europe, the NAFTA countries of Canada and Mexico, several Far East Asian countries—but, above all, China. Yet we have an enormous trade deficit with China today

that threatens interest rates and the strength of the dollar.

China has maintained an artificially low exchange rate, removed voluntary export quotas, and continually infringed on international patents and copyrights. It does not seem that this administration has any strategy for dealing with these unfair trade practices, let alone with the fact that China's GDP is growing at almost 10 percent every year and will challenge us economically in the decades ahead. It is a wonder to me that the administration is seeking trade agreements that are not part of a comprehensive strategy to deal with this kind of continually escalating foreign competition.

While this agreement will not make much difference for our economy, it is likely to have significant negative impacts on the countries of Central America, and we should be concerned for the people of those impoverished countries. Over the past several decades, dictatorships, civil wars and fierce class struggles have buffeted the region, particularly during the Cold War when the larger geopolitical struggle—in which we were a central player—exploited and heightened these local tensions. These countries have set out on a new, democratic path over the past year, and our foreign policy should encourage these favorable developments. Unfortunately, the weak labor and environmental laws of these countries and the complete failure of this agreement to elevate and strengthen those standards ensures that any growth that rises out of the agreement is unlikely to translate into significant real gains for everyday workers and the broader population.

Under CAFTA, participating countries are only forced to abide by their own often weak and rarely enforced labor laws. Sadly, an oligarchic culture persists in these countries, whereby wealthy business and landowners rarely trickle down profits to the hard-working men and women who do the work. Without stronger labor provisions that provide increased benefits and protections to workers, CAFTA will do little to change that culture.

A recent World Bank report on the agreement found that Central American countries will have to boost spending for schools and rural infrastructure to take full advantage of the agreement's benefits. Those investments are not realistically forthcoming, and this administration has not shown a serious commitment to supporting this type of development in those nations to make up the difference. This is a lost opportunity. At the same time, CAFTA will displace poor subsistence farmers who will abandon their land and follow in the footsteps of those who have come illegally to the United States in search of employment. And CAFTA will contribute to ongoing environmental problems associated with manufacturing and the pesticides used in large-scale agriculture.

I urge the President to send his trade negotiating team back down to Central America to rework this deal. We need a better agreement that reaches the so-called Jordan Standard, including the strong labor and environmental provisions of the United States-Jordan Bilateral Free Trade Agreement that we ratified a few years ago.

More importantly, I hope the President will deal with the mounting pile of economic and trade problems that really do have profound consequences to our economy and the living standards of the American people. Let's come up with a broader approach to trade that addresses unfair trading practices, that reduces our ballooning trade deficit, that boosts our economy, and that protects the environment and the rights of workers. I look forward to working with this or any other administration on these challenges. I cannot cast a vote for an agreement like this that over-promises and under-delivers to the workers of our own country and to the people of Central America.

Mr. KOHL. Mr. President, I rise today to express my strong opposition to the CAFTA implementing legislation before us today. Unlike NAFTA, CAFTA won't encourage the migration of a large number of manufacturing jobs out of the country or significant worsen our already terrible trade deficit; CAFTA countries only account for 1.5 percent of total U.S. trade. And unlike the U.S.-Australia free trade agreement which put my State's dairy farmers at a competitive disadvantage, CAFTA harms most industries like sugar and textiles that do not have a large presence in Wisconsin.

But there are bigger reasons to reject CAFTA today—reasons that apply across all regions of the country and should convince all Senators. We should reject CAFTA because it makes equal trading partners out of countries with labor and environmental standards far below those in the United States. Instead of using our negotiating power with these countries to lock in improvements in these standards, CAFTA establishes rules on workers' rights that take a step backward from the labor conditions that exist in current trade programs with Central America.

When we make deals like CAFTA, we do more than give up jobs to low-wage countries. When we make deals like CAFTA, we accept and encourage a global economy where workers' rights, living wages, and humane treatment are an anachronism. When we make deals like CAFTA, we tell U.S. businesses that the tough environmental standards they live by—and pay for—are not necessary for their overseas competitors. Why does the continuing flow of jobs moving overseas surprise us given this message—a message sent by our top trade officials and negotiators?

In a region where labor laws fall far short of minimum international standards and where workers are routinely intimidated, fired, and threatened for trying to exercise their most basic rights on the job, CAFTA's move backwards on workers' rights is unacceptable. As a businessman, I understand that trade agreements that open markets can be good for the economy—but not if they do so by accepting as the global norm the least common denominator in labor and environmental standards.

The administration has agreed to support $40 million per year from fiscal year 2006 to fiscal year 2009 to aid CAFTA countries with their labor and environmental protection programs and an additional $30 million per year over the same period to assist farmers in CAFTA countries who may be displaced by the expected increase of agricultural imports from the U.S. Mr. President, I am in favor of opening international markets for U.S. goods, but why do we need to spend $190 million over 3 years to have countries trade with us? Wouldn't it have been easier to have CAFTA countries work with the International Labor Organization to develop the capacity to monitor and enforce labor and environmental protections?

At a time when the trade deficit keeps rising—$655 billion in fiscal year 2004 up from $530 billion in fiscal year 2003—and the Federal deficit is at an all-time high, the U.S. needs to negotiate free-trade agreements where both sides play by the same rules. When I meet with constituents and the conversation turns to trade or jobs, the topic of China inevitably comes up and I am asked what we are going to do about China. Mr. President, what are we going to do about China? I certainly have trouble trusting those who negotiated CAFTA to work out the answer to that dilemma—an answer that will have a much larger and more direct impact on our economy.

We cannot remain competitive with countries that pay their workers next to nothing, have no labor or environmental standards, and who offer their employees little or no health care. Yet we are considering a trade agreement right now that asks us to do just that. And though the CAFTA countries are not large enough to impact our economy significantly, the precedent set by agreements like CAFTA—and the attitude among our trade negotiators that CAFTA reveals—will. We are the strongest economy in the world and can and should be able to compete and prosper in a global marketplace. But we will not if we continue to sign up for trade agreements that allow other countries to undercut us by producing goods using underpaid, abused labor and unacceptable environmental practices. I urge my colleagues to reject CAFTA—and reject the misguided, eventually disastrous trade policy it represents.

Mr. DOMENICI. Mr. President, I am a long-time supporter of free trade agreements because I believe free trade agreements can be beneficial to everyone. Free trade agreements have a positive impact on the job market and the economy.

I have spent many hours listening to this body debate the Dominican Republic-Central American-United States Free Trade Agreement (DR–CAFTA). Upon careful consideration of the issues at stake in this important economic measure, I have come to the conclusion that the ratification of DR–CAFTA will result in the growth of our national economy. Additionally, DR–CAFTA's passage will represent an enormous step towards increased prosperity in Central America.

The reasons to support DR–CAFTA are numerous. The measure is favorable to our Nation's export market. DR–CAFTA countries currently make up the twelfth largest market for U.S. exports, with those countries purchasing more than $15.1 billion in U.S. exports in 2003. I believe we should do what we can to foster additional growth in that market. Passage of DR–CAFTA will do just that. In addition, DR–CAFTA is favorable to our country's textile suppliers. Passage of this bill will put our suppliers on a level playing field with their counterparts in Asia.

I believe that the argument that DR–CAFTA will represent an exodus of jobs and dollars to Central America is unfounded. Under the status quo, 80 percent of all imports from Central America and 99 percent of agricultural imports from Central America enter the United States duty free. In contrast, many American farmers suffer from the burden of tariffs ranging from approximately 7 percent in the case of Nicaragua to 23 percent for certain products from the Dominican Republic. Creating a more equitable duty system for agricultural imports and exports is important to my home State of New Mexico, which is heavily involved in the agricultural industry.

This agreement is also important to New Mexico because an estimated $234 million worth of products, many of them semi-conductors and electronics, were exported from New Mexico to DR–CAFTA countries in 2004. This ranked New Mexico thirteenth among U.S. States exporting goods to CAFTA countries. Clearly, my home State will benefit from a free trade agreement with these Central American countries.

DR–CAFTA is important to our country. It is a pro-export, pro-worker, pro-agriculture, pro-economy trade agreement, and I appreciate the efforts of the administration and our trade negotiators in crafting such an agreement. I am proud to vote in favor of DR–CAFTA.

Mr. HAGEL. Mr. President, I rise today in strong support of the Central American Free Trade Agreement. CAFTA will be one of the most important pieces of legislation considered by the Congress this year. Passage of CAFTA means increased markets for our agricultural products and manufactured goods to the nations of Central America—Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua—and the Dominican Republic. Already, 47,000 Nebraska jobs are supported by exports of farm products. CAFTA means more of these jobs across the United States.

Passing CAFTA will further open new markets for beef, corn, soybeans and other products by lowering and eliminating tariffs on U.S. goods in CAFTA countries. Currently, U.S. goods exported to CAFTA countries face significant tariffs. Despite these tariffs, the U.S. exports more than $15 billion to CAFTA countries every year. Nebraska exported over $19.5 million worth of goods to CAFTA countries in 2004, according to the Department of Commerce. With these tariffs eliminated, this region provides significant potential for States like Nebraska which depend on our ability to export our products. The Office of the United States Trade Representative views Central America as a larger market for U.S. products than India, Indonesia, and Russia combined.

All previous trade agreements have benefitted the United States economy. Since the North American Free Trade Agreement was signed in 1993, trade among NAFTA nations rose 150 percent. Nebraska's combined exports to Canada and Mexico have increased by more than 160 percent. In the first year of the U.S.-Chile Free Trade Agreement, U.S. exports to Chile grew 33.5 percent.

There are those who have argued that there is a danger to the U.S. sugar industry if CAFTA is passed into law. They are worried about sugar from the Dominican Republic and Central America crowding out domestically produced U.S. sugar. These fears, while understandable, don't hold up against the facts. Under the current U.S. Farm Bill, Congress set an import ceiling of about 1.4 million metric tons of sugar. The domestic sugar program is unaffected when imports are below this limit. Currently, the U.S. is not close to exceeding that ceiling. According to the U.S. Trade Representative, in the first year of the agreement, increased access to the U.S. sugar market will be equal to little more than one day's sugar production in the United States.

CAFTA has stronger protections for workers than any other Free Trade Agreement. It has a three-part strategy that will ensure effective enforcement of domestic labor laws, establish a cooperative program to improve enforcement of domestic labor laws, and enhance the ability of Central American governments to monitor and enforce labor rights.

Trade is an opportunity, not a guarantee. CAFTA is supported by over 50 agricultural industry and farm groups, including the Nebraska Farm Bureau and the Nebraska Corn Growers.

Ultimately, the argument for CAFTA is not about numbers on a page or statistics, it is about American families and communities that need the opportunities provided by these markets to grow and remain competitive. CAFTA is good for the United States. I urge my colleagues to vote for this trade agreement.

Mrs. BOXER. Mr. President, I am opposed to and will vote against the Central America Free Trade Agreement, CAFTA.

I am not against trade agreements, provided they are fair. But when those agreements unfairly disadvantage American workers and businesses, I oppose them.

I could vote for CAFTA if it meant more jobs in America and a stronger American economy. But, I do not believe that is the case. Because of CAFTA, Americans will lose jobs and manufacturing will move overseas.

CAFTA will not foster free trade; it will result in unfair competition. Most of the Central American governments are notoriously lax in enforcing their labor laws. Under CAFTA, the Central American countries pledge to enforce their labor laws and strive to ensure workers' rights are protected, but these are merely ''paper pledges.'' Moreover, unlike other trade agreements, the mechanisms for forcing the Central American governments to enforce their own labor laws are limited and the penalties for noncompliance are negligible. Worse still, nothing in CAFTA prohibits a country from further relaxing its existing laws.

In addition, most Central American countries do not have strong environmental protection laws, and enforcement of the laws that do exist is limited. Companies are permitted to destroy the environment and harm their workers in order to produce cheaper products for export.

U.S. manufacturers and workers are the best in the world. Their productivity and innovation cannot be matched. But even they cannot—nor should they have to—compete with foreign companies that have weak labor protections and that ignore the environment in order to cut prices.

After careful consideration, I have come to the conclusion that CAFTA will result in American workers losing their jobs, U.S. companies closing their doors, a downward pressure on wages, and a worsening trade deficit.

For these reasons, I cannot support CAFTA and will vote against it.

Mr. KYL. Mr. President, I want to express my support for the Central America Free Trade Agreement, which is not just important for job creation and business opportunities in Arizona, but for the economic and political futures of five Central American countries and the Dominican Republic, all of which are eagerly awaiting the passage of this trade agreement. CAFTA will enhance both economic and political ties between Central America and the United States. It will also help promote freedom and democracy in our own Hemisphere.

The United States exports $15 billion annually to the CAFTA–DR countries—El Salvador, Honduras, Costa Rica, Nicaragua, Guatemala, and the Dominican Republic. This is more than our

exports to Russia, India, and Indonesia combined. In my home State of Arizona, our top agricultural exports to the region are beef, vegetables, and cotton. We also exported more than $208.9 million in manufactured goods to CAFTA countries. The American Farm Bureau estimates that CAFTA will increase farm exports from Arizona to CAFTA countries by $8 million per year for beef, $1 million per year for vegetables, and $800 thousand per year for cotton, part of a total future annual increase of $12.14 million in agricultural exports over the anticipated pre-CAFTA growth level. The total national increase in agricultural products to CAFTA countries is estimated at over $1.5 billion, and manufacturing exports nationwide will increase dramatically as well, which is great for Arizona where 25 percent of the manufacturing jobs depend on exports. CAFTA will also reduce the U.S. trade deficit by $756 million.

While the U.S. economy has been growing steadily over the past 2 years, creating record numbers of new jobs, we can expect even more growth with the passage of CAFTA. That, in turn, will foster the growth of Central American economies. Take, for example, the textile industry in the Central-America region. The CAFTA countries are the largest consumers of U.S. apparel and yarn exports, and the second largest consumers of U.S. fabric exports. 11,000 Arizonan jobs are supported by the textile industry, and approximately 700,000 Americans are employed in the yarn and textile sectors. The yarn and fabric we create and export to Central America and the Dominican Republic support another 500,000 jobs in the apparel sector in those countries. By working together, the United States and CAFTA countries can more efficiently compete with large textile markets such as those in the Asia region. With the expiration in 2004 of global multifiber quotas in effect since the 1970s on textiles and apparel, regional producers face a new competitive challenge from Asian imports. CAFTA would provide regional garment-makers—and their U.S. or regional suppliers of fabric and yarn—a critical advantage in competing with Asia.

Many Arizona farmers and businessmen are excited about the economic growth CAFTA will bring them. There is also just as much excitement in Central American countries. I have been to El Salvador and I can tell you that people there are looking to the United States to pass CAFTA to give them better opportunities and a higher standard of living. They have hope that their country's economy will see dramatic growth, increasing jobs and the wages that those jobs pay. Without CAFTA, they fear that jobs once performed by El Salvadorian workers will be moved to Asia.

CAFTA gives El Salvadorians hope for a better economic future, which means a more stable and peaceful future, through rising wages, decreasing unemployment rates, and more affordable basic commodities. This will raise the standards of living in El Salvador, as well as the other countries in this region. The President of El Salvador has said that CAFTA matters most to his country because it will strengthen the foundations of democracy by promoting economic growth, providing a solution to the persistent problem of poverty, and creating equality of opportunity. And by addressing the underlying problems of poverty and unequal economic opportunities, CAFTA will help stem the tide of thousands of Central Americans who leave their homes seeking a better life in neighboring countries to the north. CAFTA will help Central Americans to earn better livings and successfully support their families in their home countries.

Economic growth fosters stability and peace throughout this region. To strengthen democracy in the region, its people need to see concrete benefits from economic freedom—tangible improvements in their daily life. When a middle class develops and people have a larger economic stake in their society, they demand more of a say in how that society is run. This is critical for a region's democratic success.

We can be instrumental in the region's democratic, as well as economic, success by passing CAFTA now. If we fail to pass CAFTA, America will be turning its back on the hopes and dreams of our southern neighbors.

I ask unanimous consent to have printed in the RECORD a copy of the Republican Policy Committee's recent policy paper, ''The U.S.-Dominican Republic-Central American Free Trade Agreement is a Win-Win.'' This paper goes into further detail as to why the CAFTA agreement is in America's interest.

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

UNITED STATES-DOMINICAN REPUBLIC-CENTRAL AMERICA FREE TRADE AGREEMENT IS A WIN-WIN

EXECUTIVE SUMMARY

Congress should soon pass the United States-Dominican Republic-Central America Free Trade Agreement (DR–CAFTA). This important agreement expands market access for U.S. exporters of manufactured goods, agriculture products, and services.

On February 20, 2004, President Bush notified Congress of his intent to enter into a free trade agreement with the Central American nations of Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua. The Dominican Republic became a party to CAFTA on August 5, 2004.

The Central American markets are significant to the American economy: the DR–CAFTA countries constitute our 12th largest export market with a consumer base of nearly 44 million.

Passage of DR–CAFTA is vital to the economic and security interests of both the United States and the DR–CAFTA countries, and it will demonstrate the U.S. commitment to foster economic prosperity in the region. It will serve to nurture democracy, transparency, and respect for the rule of law in a region that, only decades ago, was marked by internal strife.

Commonly heard arguments against DR–CAFTA include concern that U.S. sugar producers will be adversely affected, that American textile jobs will be lost, and that Central American workers' rights and the environment will be harmed.

The Bush Administration counters that passage of this agreement is a win-win for all parties and that it will preserve the U.S. sugar program, level the playing field for U.S. workers, strengthen freedom and democracy in the region, enable U.S. textile suppliers to compete with Asia, and enhance the enforcement of labor and environmental laws in the region.

Among the significant consequences of failing to pass the DR–CAFTA would be: (1) a message that the U.S. is not committed to open market principles; (2) the continuation of high tariff barriers on U.S. exports to the region; and (3) the loss of an important export market for numerous U.S. suppliers of cotton, yarns, and fabrics.

This paper addresses concerns expressed about the agreement and highlight the broad support DR–CAFTA is receiving from many different sectors of the U.S. economy.

INTRODUCTION

Congress will soon consider whether to pass the United States-Dominican Republic-Central America Free Trade Agreement (DR–CAFTA). This important agreement builds on other recent trade agreements by substantially expanding market access for U.S. exporters of manufactured goods, agriculture products, and services. In fact, DR–CAFTA will level the playing field with our southern neighbors by providing reciprocal access for U.S. businesses to the markets of Central America and the Dominican Republic, which already enjoy liberal access to the U.S. market.

On February 20, 2004, President Bush notified Congress of his intent to enter into a free trade agreement with the Central American nations of Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua. [Text of a letter from the President to the Speaker of the House of Representatives and the President of the Senate, February 20, 2004.] On May 28, U.S. Trade Representative Robert Zoellick fulfilled the President's pledge and signed the U.S.-Central America Free Trade Agreement. The Dominican Republic became a party to CAFTA on August 5, 2004.

The United States has much to gain from this agreement because the Central American markets are significant to the American economy. The DR–CAFTA countries constitute our 12th largest export market with a consumer base of nearly 44 million. [U.S. International Trade Commission (ITC), ''U.S.-Central America-Dominican Republic Free Trade Agreement: Potential Economywide and Selected Sectoral Effects,'' August 2004.] Nearly 80 percent of Central American products already enter the United States duty-free due to unilateral preference programs such as the Caribbean Basin Initiative and the Generalized System of Preferences. CAFTA will eliminate these one-way barriers and provide reciprocal free trade. The Agreement will also provide a chance to unite with customers in the region to better compete against China, especially in apparel and textiles.

The DR–CAFTA agreement will also serve to nurture democracy, transparency, and respect for the rule of law, in a region which only decades ago was marked by internal strife. Today the Central American nations and the Dominican Republic are democracies wanting to strengthen economic ties which will in turn reinforce their progress in political and social reform. Passage of DR–CAFTA is, thus, vital to the economic and security interests of both the United States

and the DR–CAFTA countries, and it will demonstrate the U.S. commitment to foster economic prosperity in the region.

Despite the great appeal of this agreement to many sectors of the American economy, there are some groups that remain opposed to it. Commonly heard arguments against DR–CAFTA include concern that U.S. sugar producers will be adversely affected, that American textile jobs will be lost, and that Central American workers' rights and the environment will be harmed. [Representative Hilda Solis (D–CA), Congressional Record, March 1, 2005; Representative Sherrod Brown (D–OH), Congressional Record, March 2, 2005.] The Bush Administration counters that passage of this agreement is a win-win for the United States, the Dominican Republic, and Central America that will preserve the U.S. sugar program, level the playing field for U.S. workers, strengthen freedom and democracy in the region, enable U.S. textile suppliers to compete with Asia, and enhance the enforcement of labor and environmental laws in the region. [Office of the U.S. Trade Representative (USTR), ''DR–CAFTA Facts: The Case for DR–CAFTA,'' February 2005.]

This paper will examine the benefits of DR–CAFTA for the United States, the Dominican Republic, and Central America. This paper will also address concerns expressed about the agreement and highlight the broad support DR–CAFTA is receiving from many different sectors of the U.S. economy. And, it will review the consequences to the United States, the Dominican Republic, and Central America if Congress should fail to pass the trade agreement.

Why DR–CAFTA is a Win-Win for the United States, the Dominican Republic, and Central America

ECONOMIC BENEFITS—LEVELING THE PLAYING FIELD FOR AMERICAN EXPORTERS

The DR–CAFTA market provides a large export market for the United States. As an integrated market, Central America, and the Dominican Republic purchased more than $15.1 billion in U.S. exports in 2003. [USTR, ''Trade Facts: Free Trade with Central America, Summary of the U.S.-Central America Free Trade Agreement,'' December 17, 2003.] By tearing down tariff barriers, American workers will be able to gain better access to the 44 million consumers living in the Dominican Republic and Central America. Moreover, population in this region is expected to grow by almost 20 percent by 2015, thus adding nearly 10 million new consumers to the marketplace. [Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2004 Revision and World Urbanization Prospects: The 2003 Revision.]

While the DR–CAFTA countries buy many goods and services from the United States, it is economically important to the U.S. economy to level the playing field on trade between the United States, the Dominican Republic, and Central America. Due to trade preference programs currently in place, 80 percent of all Central American goods currently enter the United States duty-free, while the average tariff imposed on U.S. exports to Central America is between 7 and 9 percent. [Chris Padilla, ''DR–CAFTA: A Vote for Freedom, Democracy, Reform,'' Textile News, February 28, 2005.] Some tariffs on many farm goods are as high as 16 percent. [USTR, ''DR–CAFTA Facts: CAFTA Levels the Playing Field,'' February 2005.] These high tariffs hurt our ability to export to and compete in the growing markets of the Dominican Republic and Central America. In addition, U.S. exporters face numerous non-tariff barriers that currently inhibit their ability to export goods and services to the region.

Upon full implementation of DR–CAFTA, U.S. products will enter the Dominican Republic and Central America duty-free. In fact, 80 percent of consumer and industrial goods exports are immediately duty-free upon enactment of the agreement, with the remaining 20 percent becoming duty-free over 10 years. Key U.S. export sectors will benefit including medical and scientific equipment, information technology products, construction equipment, and paper products.

The agreement will expand markets as well for U.S. agriculture. Currently, U.S. tariff barriers to agricultural exports from DR–CAFTA countries are much lower than tariffs faced by U.S. agricultural exports to DR–CAFTA countries. [USTR, ''DR–CAFTA Facts: CAFTA Levels the Playing Field,'' February 2005.] According to the USTR, more than half of current U.S. farm exports to Central America will become duty-free immediately, including cotton, wheat, soybeans, fruits and vegetables, high-quality cuts of beef, processed food products, and wine. Tariffs on remaining farm items will be phased out over 15 years. [USTR, ''Trade Facts: Free Trade with Central America, Highlights of the U.S.-Central America Free Trade Agreement,'' January 27, 2004.] On May 28, 2004, the American Farm Bureau Federation (AFBF), a national organization representing U.S. farmers and ranchers across the country, stated that the ''U.S.-Central American Free Trade Agreement will provide a substantial competitive advantage to U.S. agriculture,'' and that the Bush administration has ''opened up promising trade potential for the whole of U.S. agriculture.'' [Statement by Bob Stallman, President of the American Farm Bureau Federation regarding the signing of the U.S.-Central American Free Trade Agreement, May 28, 2004.] It estimates that U.S. agricultural producers will increase their exports by $900 million as a result of the DR–CAFTA agreement.

In the area of services, the DR–CAFTA countries will accord substantial market access across their entire services regime, offering new access in sectors such as telecommunications, computer services, tourism, financial services, insurance, and entertainment among others. The agreement also provides state-of-the-art protections and non-discriminatory treatment for digital products such as U.S. software, music, text, and videos. Protections for U.S. patents and trademarks are strengthened.

The benefits of DR–CAFTA will be numerous. In its analysis of DR–CAFTA implementation, the U.S. International Trade Commission (ITC) found the effect of trade facilitation would likely ''benefit U.S. producers, exports, service providers, and investors.'' [ITC, 2004.] The USITC noted that, ''after tariff liberalization has been fully implemented and all economic adjustments have occurred under the FTA, overall U.S. welfare is likely to increase in the range of $135.31 million to $248.17 million.'' [ITC, 2004.] U.S. exports to DR–CAFTA countries are likely to increase by $2.7 billion (or 15 percent), and U.S. imports are likely to increase by $2.8 billion (or by 12 percent). [ITC, 2004.]

DR–CAFTA also provides an atmosphere and, more importantly, a legal framework for guaranteeing the security of American investment in Central America. As noted by some policy analysts: ''By locking in these liberal economic policies, [DR–CAFTA] offers investors certainty that policies will not suddenly reverse—a key component in investment decisions.'' [Brett D. Schaefer and Stephen Johnson, ''Backgrounder #1822: Congress Should Support Free Trade with Central America and the Dominican Republic,'' The Heritage Foundation, February 8, 2005.] An open and transparent legal framework will encourage investment and economic growth in a region of the world that needs foreign capital to grow its economy and create jobs.

POLITICAL BENEFITS—PROMOTING REGIONAL STABILITY

In the 1970s, every Central American country except Costa Rica and Belize were ruled by military dictators. Lack of democracy and lack of economic opportunity led to communist insurgencies in many parts of the region that were only defeated with the support of the United States. [Ed Greser, Progressive Policy Institute Policy Report, ''DR–CAFTA: The United States and Central America 10 Years After the Wars,'' October 2003.] Today, democracy flourishes in the region. People can freely choose their elected leaders. Through free-market economic reforms and U.S. trade preference programs, workers' wages are now on the rise and the standard of living throughout the region has generally improved. Many observers agree that DR–CAFTA will help lock recent political and economic gains into place by bolstering transparency and the rule of law, thereby attracting additional investment which will help to foster continued growth and stability in the region. [See, e.g., The Los Angeles Times, editorial, November 18, 2004; USTR, ''DR–CAFTA Facts: Emphatically Yes,'' February 2005; Stuart E. Eizenstat and David Marchick, ''Trade Wins,'' Wall Street Journal, March 8, 2005.]

Twenty years ago, trade between Central America and the United States was minimal. In 1984, trade between the U.S. and CAFTA countries totaled $798 million compared to $3.6 billion in 2003—an increase of nearly 350 percent. [Statistical data provided by USTR.] During the past few years, significant progress has been made in Central American economic integration, including a May 2000 free trade agreement between Mexico and El Salvador, Guatemala, and Honduras. In December 2001, an agreement was signed to interconnect the electricity networks of the Central American countries, allowing for regional power trading among the member states beginning in 2006. [U.S. Department of Energy, Energy Information Administration, ''Regional Indicators: Central America,'' September 2004.] The integration of electricity grids is only one of several initiatives by the Inter-American Development Bank's Puebla-Panama Plan, which seeks to promote regional development and integration of Central American countries. [U.S. Department of Energy, 2004.]

Public opinion throughout Central America finds that people want to have a strong trading relationship with the United States and want to see DR–CAFTA enacted. According to recent State Department polling, the opinion pattern throughout the region shows that, in most of the CAFTA countries, half of those polled are aware of the trade agreement (up from about a third in 2002–2003). Among those, a majority perceive benefits for their country (e.g., 57 percent in D.R.; 56 percent in Costa Rica; and 56 percent in Nicaragua). [Memo from U.S. State Department to Senate Finance Committee on ''Central American Attitudes Toward CAFTA,'' March 16, 2005.] Anticipated benefits include job creation, lower prices, and a wider variety of goods available to consumers.

Passage of DR–CAFTA by the U.S. Congress will help reinforce the positive image many Central Americans have of the United States, and will show that America does not view Central America only as a trading partner. It will show that the United States believes it has a stake in the development of

its neighbors. During his confirmation hearing before the Senate Foreign Relations Committee on February 15, then Deputy Secretary of State nominee Robert Zoellick stated that ''economic power is a very important component of America's power'' and that ''economic freedom is linked to political freedom,'' and so ''how we integrate those can build on some of America's values and its interests.'' [Remarks by Robert B. Zoellick during a hearing of the Senate Foreign Relations Committee on his nomination to be Deputy Secretary of State, February 15, 2005.]

The United States has long fought for democracy and economic freedom for the people of Central America. DR–CAFTA would reinforce democratic and free-market processes through such provisions as transparency and anti-corruption measures. It will also strengthen new democracies and leaders who are working to grow their economies, reduce poverty, fight crime, and deepen the roots of democracy.

Criticisms of DR–CAFTA

SUGAR

Some charge the DR–CAFTA will greatly harm U.S. sugar producers due to increased imports of sugar. In fact, U.S. imports of sugar from the DR–CAFTA countries are today limited by tariff rate quotas (TRQs) currently imposed by the United States on each DR–CAFTA country, [ITC, 2004.] and this system (albeit with slightly increased import amounts) will remain in place with DR–CAFTA.

Under the TRQs, sugar from the DR–CAFTA countries enters duty-free if it is within quota. [ITC, 2004.] Sugar imported over-quota is assessed high tariffs, which are in effect prohibitive tariffs [ITC, 2004.] (of over 100 percent). [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] Because of the high over-quota tariffs, imports of sugar from the DR–CAFTA countries essentially correspond to their TRQ levels. [ITC, 2004.] It is important to note that TRQs on sugar imports from the DR–CAFTA countries will be increased only slightly as a percentage of consumption under the trade agreement, [ITC, 2004.] and prohibitive tariffs on over-quota imports will remain intact under the DR–CAFTA. [ITC, 2004.]

In 2003, the DR–CAFTA countries exported to the United States 325,146 metric tons of sugar—most of which was raw cane sugar—at a value of $141.3 million. [ITC, 2004.] These imports constituted approximately 3 percent of sugar consumed in the United States during that year. [ITC, 2004.] Additional increased access during the first year of the trade agreement will total 109,000 metric tons. [ITC, 2004.] That increase is equivalent to little more than one day's production of sugar in the United States, [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] or about 1.2 percent of current annual U.S. sugar consumption. [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.]

By the end of the 15-year phase-in period, sugar imports from this agreement will have increased by a total of 153,140 metric tons. [ITC, 2004.] The additional access during the entire 15-year phase-in period represents less than 2 percent of the approximately 7.8 million metric tons of sugar produced in the United States in the 2003/2004 growing season. [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] Again, what the trade agreement permits is an increase in import competition of less than 2 percent relative to domestic production—stretched out over a 15-year period. Following the phase-in period, the TRQs will grow by an additional 2,640 metric tons each year. [ITC, 2004.]

The potential impact of these increases in the in-quota TRQs for DR–CAFTA countries appears minimal. USTR has found that approval of DR–CAFTA ''would not have a destabilizing effect on the U.S. sugar program.'' [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] And the ITC, using its models, found that there would likely be a decrease in the U.S. price of sugar ''of about one percent as a result of the increase in imports under the FTA.'' [ITC, 2004.] Clearly this suggests a negligible impact on U.S. producers. Furthermore, one could argue that such declines in consumer prices could boost demand and actually increase U.S. producers' revenue.

Moreover, additional TRQ access for the DR–CAFTA countries is conditioned on each country's trade-surplus position. [ITC, 2004.] Specifically, only net-surplus-exporting countries in the region will obtain increased access to the U.S. market. This is because the agreement limits access to the lesser of the amount of each country's net trade surplus in sugar or the specified amounts provided in each country's TRQ. [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] For example, at the present time the Dominican Republic—currently the largest TRQ holder among the DR–CAFTA countries—would not qualify for increased market access to ship additional sugar to the United States under the agreement. [Inside U.S. Trade, ''USTR Threatens Dominican Republic Over Proposed HFCS Soft Drink Tax,'' September 3, 2004.] As noted by the American Farm Bureau Federation (Farm Bureau), this situation makes the issue of increased sugar imports from the Dominican Republic moot for now. [American Farm Bureau Federation, ''Implications of a Central American Free Trade Agreement on U.S. Agriculture.''] According to Farm Bureau calculations, even if the Dominican Republic were to become a net exporter of sugar by 2024—the year in which the agreement would be fully operational—its exports of sugar would increase by only $11.7 million from the Dominican Republic's current allocation of $96.3 million.

Still, some critics of the DR–CAFTA assert a second argument—that increased sugar imports under the agreement would have a destabilizing impact on U.S. domestic sugar policies by suspension of sugar marketing allotments. [ITC, 2004.] Under marketing allotments, the U.S. Department of Agriculture restricts the amount of sugar that can be sold by domestic producers, [ITC, 2004.] a policy designed to ensure stable sugar prices and supplies in the U.S. market. [American Sugar Alliance, U.S. Sugar Policy Under the Farm Bill, retrieved on 03/15/05.] Under the policy, if U.S. imports of sugar were to exceed a specified amount (approximately 1.5 million tons in a given year) marketing allotments could be suspended, thus enabling U.S. producers to compete with imported sugar under prevailing market conditions. [ITC, 2004.]

A cushion exists, however, between the ''trigger level'' of imports that would suspend marketing allotments and projected imports under the DR–CAFTA. [ITC, 2004; USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] The U.S. International Trade Commission estimates that it would take about 60 years following the agreement's implementation for this cushion to be exceeded, taking into account growth in imports during the phase-in period and subsequent annual imports of 2,640 metric tons under the agreement. [ITC, 2004.] In 60 years, it is unknown whether marketing allotments would even be a part of U.S. sugar policy. In any case, the ITC believes it unlikely that increased imports resulting from the agreement will trigger the suspension of marketing allotments. [ITC, 2004.]

Furthermore, in the unlikely event that U.S. domestic sugar policies were threatened by imports from the DR–CAFTA countries, the agreement includes a mechanism that will permit the United States to restrict sugar imports from these countries and provide them with equivalent benefits to compensate for lost market access. [USTR, ''DR–CAFTA Policy Brief, Sugar: A Spoonful a Week,'' February 2005.] This compensation mechanism further alleviates possible pressures that might threaten U.S. sugar policies.

TEXTILE

Some textile producers argue that passage of DR–CAFTA will lead to textile job losses in the United States. [American Manufacturing Trade Action Council, ''CAFTA Bad for U.S. Textile Industry and Workers,'' May 28, 2004.] Additionally some of the same critics have argued that the U.S. textile sector is currently restructuring in response to China's growth in this economic sector and, therefore, American companies cannot allow additional jobs to be lost to Central American textile factories. [New York Times, ''Chinese Textile Flood?'' March 10, 2005.] Both arguments fail to grasp the long-term benefits of regional integration to the U.S. textile and apparel industry of promoting regional integration under the agreement.

DR–CAFTA will benefit the U.S. textile and apparel industry by expanding the benefits currently provided by the Caribbean Basin Trade Partnership Act (CBTPA) and making the benefits reciprocal. The CBTPA (which includes all DR–CAFTA countries) allows apparel exports from the region to enter the United States duty-free and quota-free, provided that they use U.S. yarn and fabric. This supports U.S. exports and jobs. Indeed, in the past four years, the region has become one of the largest and fastest-growing export markets for U.S. cotton growers, yarn spinners, and fabric mills. Regional producers face new competition from Asian imports since global quotas on textiles and apparel ended January 2005. This agreement will give the region a critical advantage in competing with Asia in a post textile-quota world by helping to retain textile production in the region, rather than moving production to China. [John T. Hyatt, ''Good for Central America, Good for U.S.,'' Times-Picayune, March 15, 2005.]

When facilities move from Central America to China, they are much less likely to buy U.S. yarns and fabrics. Thus, the competitiveness of the U.S. fiber and yarn industry is inextricably linked to maintaining the competitiveness of the DR–CAFTA region. [Cass Ballenger, ''Producing for N.C.'s Textiles,'' The News and Observer, March 1, 2005.] Currently, 71 percent of DR–CAFTA-made apparel enters the United States using U.S. yarns and fabrics, while one tenth of 1 percent of apparel from China enters the United States using U.S. yarn or fabric. [Statistical data provided by the Office of Textiles and Apparel in the International Trade Administration at the U.S. Department of Commerce.] More than $2.6 billion of U.S. fabric and yarn exports went to the six DR–CAFTA nations in 2004. [Jeffrey Sparshott, ''A Tough Sell,'' Washington Times, March 10, 2005.] By keeping apparel assembly in the region through DR–CAFTA, we will retain and grow the market for U.S. exports of fabrics.

The agreement also contains tough custom enforcement procedures to ensure that only products eligible for DR–CAFTA tariff treatment benefit from the agreement. Further, the agreement contains a special textile safeguard, which authorizes the imposition of tariffs on textiles when injury occurs due to import surges.

Many of those who oppose the agreement are weavers, who point to a tariff preference level (TPL) for Nicaragua that extends duty-free treatment for 10 years for cotton and manmade-fiber apparel made in Nicaragua from fabrics made anywhere else (otherwise known as ''non-originating fabric''). In other words, the fabrics do not have to come from either the United States or other DR–CAFTA countries for the apparel to be eligible under the TPL. The TPL was included only for this one country because Nicaragua is by far the smallest and least-developed apparel supplier among the DR–CAFTA countries. However, TPLs have been in every trade agreement negotiated before the DR–CAFTA (excluding Israel and Jordan). Indeed, DR–CAFTA does not include TPLs for the major Central American apparel producers—the first time that a trade agreement did not provide TPLs to our negotiating partners. The TPL granted to Nicaragua would cover only about 3 percent of the total amount of garments shipped by all CAFTA countries.

Costa Rica is the beneficiary of a small concession for wool fabric, allowing Costa Rica to source non-originating fabric up to capped amount. This concession will be phased out over two years, and was put in place to allow a wool apparel producer to coordinate with suppliers in the United States who are planning to be a source for the fabric in the future (the concession is subject to review after 18 months). [For more details on the textile provisions of DR–CAFTA, see the February 2005 USTR policy brief, ''Textiles of CAFTA—Details of the Agreement.'']

The agreement also contains tough custom enforcement procedures to ensure that only products eligible for DR–CAFTA tariff treatment benefit from the agreement. Further, the agreement contains a special textile safeguard, which authorizes the imposition of tariffs on textiles when injury occurs due to import surges. Many in the U.S. textile industry (retailers, yarn spinners, knitters, and apparel producers) support passage of DR–CAFTA, such as Burlington Industries, the American Apparel and Footwear Association, Levi Strauss and Company, ERICO, International Textile Group, Union Apparel, Sara Lee, and Warnaco.

LABOR

Organized American labor groups oppose this free trade agreement, alleging that it does not include adequate provisions for workers' rights. [Statement by AFL-CIO President John Sweeney on Central American Free Trade Agreement, May 28, 2004.] It should be noted that the AFL-CIO, a leading labor union opposed to DR–CAFTA, has never supported a free trade agreement, including the U.S.-Australia Free Trade Agreement. Further, Costa Rica, Guatemala, Honduras, Nicaragua, and the Dominican Republic have ratified all eight International Labor Organization (ILO) core labor conventions, and El Salvador has ratified six of the eight. In contrast, the United States has ratified only two ILO core conventions.

An analysis by the ILO demonstrates that the labor laws and constitutions of the DR–CAFTA countries are comparable to ILO core labor standards. [USTR, ''CAFTA Facts: The Facts About DR–CAFTA's Labor Provisions,'' February 2005.] The problem has been, however, that the governments have lacked the capacity to enforce their labor laws due to financial constraints. To address this, the United States is taking a three-pronged approach in DR–CAFTA: First, each country must enforce its own labor laws. If they do not, then a fine will be imposed and the monies from the fine will be used to address the enforcement deficiency. [USTR, ''CAFTA Facts: The Facts About DR–CAFTA's Labor Provisions,'' February 2005.] Second, each country must make the necessary economic and legal reforms to improve ILO adherence. Third, each country must undertake capacity building to enforce its domestic labor laws. To accomplish this, the United States is offering capacity-building assistance to improve labor law enforcement. As a first step, Congress appropriated $20 million in the FY05 Foreign Operations appropriations bill specifically to help build the capacity of Central America and the Dominican Republic on labor and environmental law enforcement. [Rep. Jim Kolbe (R-AZ) authored a provision in the FY05 Foreign Operations Appropriations bill that provided $20 million to assist CAFTA countries with labor standards enforcement.]

Ironically, while the AFL–CIO opposes DR–CAFTA because the agreement doesn't overtly include ILO standards, the conditions in the agreement pertaining to the enforcement of standards for workers' rights will serve as a catalyst for these countries to take labor laws seriously. Moreover, the labor provisions in DR–CAFTA are the same as those contained in the U.S.-Morocco Free Trade Agreement that Congress passed overwhelmingly last July (by a vote of 323–99 in the House and by a vote of 85–13 in the Senate).

ENVIRONMENT

The DR–CAFTA environmental provisions promote policies that ensure protection of current laws while striving to improve those laws, with effective remedies for violating the agreement. This type of environmental protection goes beyond the requirements called for in the Trade Promotion Act (2002) and recently implemented FTAs with Chile and Singapore. The agreement has taken groundbreaking steps to mitigate environmental degradation by involving all stakeholders through meaningful public participation and capacity building for the region. There is wide appeal for the environment provisions because of these new initiatives and it is demonstrated by the support it has received from local environmental conservation NGOs from five of the six DR–CAFTA countries. [Letter to Ambassador Zoellick from 10 NGO's dated January 31, 2005.]

Failure to pass the agreement will only serve to undermine these important initiatives to strengthen environmental protection in the region.

BROAD AMERICAN SUPPORT FOR DR–CAFTA

Since last year, scores of organizations, associations, and businesses have made known their support for passage of DR–CAFTA. Perhaps one of the most compelling, detailed, and broadly supported endorsements was issued on January 26, 2005 by the Business Coalition for U.S.-Central America Free Trade. In a letter to Senate Majority Leader Bill Frist, the Business Coalition listed five reasons why the ''timely implementation'' of DR–CAFTA was important, citing commercial importance (''over the last five years, the [DR–CAFTA] countries have been our fifth largest growth market worldwide''); reciprocity in U.S.-Central American trade relations and creation of new opportunities for all sectors of the U.S. economy; strengthening of democracy and rule of law ''in a region that was wracked by civil war not that long ago;'' critical importance of maintaining and fostering ''key partnerships in the textile and apparel sector;'' and the signal that would be sent to ''all of the United States'' trading partners that the United States remains committed to trade and investment liberalization at an important juncture in WTO negotiations.'' [A letter to Senator Bill Frist (R-TN), dated January 26, 2005 by the Business Coalition for U.S.-Central America Trade.]

The letter was signed by the representatives of more than 100 organizations, associations, and companies, including Pepsi, Boeing, American International Group, Warnaco, the American Farm Bureau Federation, Caterpillar, Exxon Mobil, Grocery Manufacturers of America, JC Penney, Microsoft, Mars Incorporated, National Cattlemen's Beef Association, National Pork Producers Council, Procter and Gamble, Time Warner, and the U.S. Chamber of Commerce.

President Clinton's former senior Treasury and trade official, Stuart Eizenstat, has strongly argued that DR–CAFTA is a must-pass agreement. Writing in the Wall Street Journal earlier this month, Eizenstat stated, ''The agreement is deeply in our national interest and will create, not destroy, jobs.'' [Stuart E. Eizenstat, ''Trade Wins,'' Wall Street Journal, March 8, 2005.] He went on to remark that ''the agreement would solidify the United States as the leading supplier of goods and services to Central American and the Dominican Republic at a time when China is making serious inroads as an investor and exporter in the Western Hemisphere.'' [Eizenstat.]

Consequences Should DR–CAFTA Fail

The economic and social consequences of failing to pass the DR–CAFTA would be significant. Economically, U.S. exporters would continue to face high tariff barriers on their exports to the region. Furthermore, U.S. service providers would continue to face numerous non-tariff barriers to their service exports.

Thousands of apparel production jobs in Central America and the Dominican Republic would be lost as investors move production facilities to China. As a result, numerous U.S. suppliers of cotton, yarns, fabrics and other components would lose an important export market—America's third largest—for their products as Chinese facilities will likely source their needed components from Asia instead of the United States. [USTR, CAFTA Policy Brief, ''Textiles of CAFTA—Details of the Agreement,'' February 2005.] Further economic consequences could also include increased immigration from the Dominican Republic and Central America as displaced workers seek opportunity abroad.

Politically, failure to pass DR–CAFTA would be seen by our Central American partners as American disengagement from a strategically important region of the world. It would send a signal to our other trading partners that our nation is not committed to the principles of open markets and, thus, discourage them from making market access and other economic commitments that are vitally important to our nation as we negotiate in the Middle East, Asia, Europe, or other areas in the Western Hemisphere. Furthermore, failure to pass DR–CAFTA would have a chilling effect on the Doha Development Agenda of trade negotiations at the World Trade Organization, potentially jeopardizing our most significant opportunities to gain broad access for our agriculture, manufacturing, and services exports.

CONCLUSION

DR–CAFTA is the latest in a series of successfully negotiated, far-reaching, economically-beneficial trade agreements undertaken by the Bush Administration. DR–CAFTA is the first trade agreement since the U.S.-Chile Free Trade Agreement was passed in 2003 that includes economies in America's geographic backyard. Most importantly, DR–CAFTA is a great economic package for both the nations of Central America and the United States. The agreement will provide new economic opportunities for American investors and secure American and Central American jobs.

DR–CAFTA is as much a political statement as it is an economic one. As Senator

Charles Grassley (R-IA) has noted: [DR–CAFTA] shows our strong desire to reach out and form deeper and lasting bonds with the international community, particularly in Latin America. The agreement will help to lock in economic reform and increase transparency in the region. DR–CAFTA can serve as a cornerstone of economic growth and democracy for the region which will enhance the standard of living for millions of our southern neighbors. [Senator Charles Grassley (R-IA), Congressional Record, July 22, 2004.]

Congress should pass DR–CAFTA. It is in our national economic, political, and security interests to do so.

Mr. CRAIG. Mr. President, I rise today to discuss the Central America Free Trade Agreement, its importance to our country, to our economic interests both here and at home, and around the world.

Since Congress gave the President fast-track trade negotiating authority in August of 2002, we've had to face the realities that come with it.

I supported giving the President fast-track authority then, with the caveat that I would approach all trade agreements sent to Congress with an open mind.

Three agreements have reached Congress since 2002 and I have voted for two of those three.

The administration has been actively pursuing a vigorous bilateral and free-trade agenda around the world, and I believe it is in our best interest to do so both economically and socially.

Trade with foreign nations is a valuable component to promote economic opportunities here at home, but also to spread our democratic ideals that we value so highly in our country.

Congress is now debating the Central American Free Trade Agreement, otherwise known as CAFTA. I became heavily involved with our trade negotiators as the President and our then-Trade Representative Bob Zoellick began negotiations with the CAFTA nations.

As an agricultural State, Idaho has a large stake in these agreements and agriculture right now is currently learning how to restructure itself as our global markets become highly integrated.

As many know, a major agricultural crop in my State is the production of sugar. Idaho is the second-largest producer of sugarbeets behind Minnesota.

Idaho's sugar industry employs somewhere in the neighborhood of 7 to 8,000 people and generates nearly $800 million in economic activity for the State economy.

The sugar industry in Idaho, and in most other sugar-producing States, has restructured itself after several years of unprofitability. Farmers pooled their money to create cooperative processing plants to market their sugar and so inherently have a large personal investment in all levels of production.

It's well known that the world sugar market is one of the most distorted agricultural markets in the world, and most world sugar supplies are simply dumped on the market at prices well below the cost of production.

U.S. producers already face an oversupply situation with significant quantities in storage at the expense of producers. Prices have slowly declined, yet production costs have sky-rocketed.

Although the U.S. is the 4th largest importer of sugar in the world, CAFTA seeks to significantly compound an already ugly situation and set a precedent of ''no return'' for further negotiations already underway with major sugar-exporting countries like Thailand and Panama.

CAFTA nations already enjoy duty-free quota access for sugar with the U.S., and I am not prepared to trade away an industry so vital to my State and to the overall farm economy in Idaho.

Other Idaho agricultural groups understand that those farmers who are sugar producers are also potato, bean, and grain producers. We're not just talking about impacting one commodity, we are cutting a wide swath across several industries and sending an economic ripple through our rural communities that may not be recoverable.

Our U.S. negotiators are willing to open our markets to increased sugar imports, while our competitors maintain unfair economic advantages in domestic subsidies and minimal market access commitments.

Myself along with my colleagues from sugar-producing States took our concerns with CAFTA to the administration. With the help of my good friend and Chairman of the Agriculture Committee, Senator CHAMBLISS, we spent some late nights and several conference calls to come up with a solution that would allow could address the concerns of the sugar industry.

Our new U.S. Trade Representative Rob Portman and U.S. Department of Agriculture Secretary Mike Johanns joined us in trying to iron out the differences and find some mutually agreeable options. I am very impressed with these two men's willingness to roll up their sleeves and work with me and others on what has been a very difficult issue.

Although these discussions should have occurred much earlier, the administration came a very long way in a short amount of time to reach a resolution.

A proposal was offered to maintain the sugar program as passed in the 2002 Farm Bill and to provide the industry with relief from surges of imported, cheap foreign sugar by studying and beginning to establish a sugar-to-ethanol program in the U.S.

I think this proposal represents a strong effort of compromise in a complex and difficult environment. I would like to praise Secretary Johanns and Ambassador Portman for their willingness to make this quantum leap to accommodate our concerns. I think the proposal brings some good ideas to the table that we can build upon.

I understand that Secretary Johanns has sent the proposal in writing to Congress to affirm his commitment to the agreement. I will be working with Chairman CHAMBLISS on a Sense of the Senate to solidify this proposal and strengthen the promise made to the industry.

The only fault of this proposal is that it does not provide the long-term solution that the industry desperately needs. I also have major concerns that the proposal compromises the law by changing our sugar program from that of operating at ''no-cost'' to the taxpayer to one that could cost hundreds of millions of dollars. This is just not sustainable and a major departure from our promise to the industry.

I know I share the same strong concerns with Chairman CHAMBLISS that free trade agreements should remain faithful to current U.S. policy and not restrict options available to Congress in future farm bills.

For these reasons, I will be voting against CAFTA. However, I do applaud the administration for their diligence and willingness to work with me on this issue. I hope that as we near the next Farm Bill in 2007, we will continue to work on a sustainable answer that maintains a very important industry in my State but also the agricultural economy in the U.S.

Mr. LEVIN. Mr. President, our trade policy is failing. This failure is reflected in a trade deficit that grew by 25 percent last year to more than $617 billion, and in the loss of 2.8 million manufacturing jobs over the past 4 years. We are in this predicament in part because we have pursued one-way trade agreements that are not in the best interest of the United States and because we have not insisted that our trading partners grant us true reciprocity.

It is difficult to see how pursuing yet another trade agreement in the same failed mold will produce a different result. The Central America Free Trade Agreement will not benefit American workers and farmers because it fails to insist on basic internationally recognized labor standards, the agreement will not meet its promise to improve the standard of living for the people of Central America and the Dominican Republic; Instead, it will set off another race to the bottom.

The administration is asking the Senate to rubberstamp implementing legislation for CAFTA under fast-track procedures that only allow Members of Congress an up-or-down vote and no chance to amend or improve it. Although I support increased trade with Central America and believe that fair trade policies would benefit all parties, I do not support the agreement as crafted. Without the chance to improve it, I must oppose it.

The administration is not doing the work necessary to get our trade policy on track. The five Central American countries and the Dominican Republic account for less than 1.5 percent of

total U.S. trade, and our own International Trade Commission found that the U.S. trade deficit with CAFTA countries would likely increase slightly as a result of CAFTA. Yet the administration has made CAFTA its No. 1 trade priority. A better focus for our trade policy would be opening markets in Nations and sectors where the most egregious trade barriers block the sale of U.S. goods and services. We should break down barriers faced by U.S. manufacturers, farmers and services in key export markets including China, Japan, the EU, Korea, and elsewhere.

This administration has also failed to deal with our trade deficit with China, which is on track to surpass $200 billion this year. The administration has failed to take action against China for undervaluing its currency by between 15–50 percent relative to the dollar to promote exports to the United States and to keep out goods made in the United States. This is a violation of the WTO prohibition on gaining a trade advantage from currency manipulation. The administration has also failed to deal with our large and persistent automotive deficit with Japan.

Likewise, our recent record on trade agreements has not been strong; some of the trade agreements the U.S. has entered into have not been in the best interest of the United States. The clearest example is NAFTA, which made it easier for U.S. companies to outsource production to low-wage countries. Between NAFTA's enactment in 1994 and the end of 2003, the Department of Labor certified that more than 525,000 American workers suffered job losses as a result of increased imports or plant relocations to Mexico and Canada. Under NAFTA, our trade balance with Mexico went from a surplus of $1.663 billion in 1993 to a deficit of $45 billion in 2004. While it is true that our exports to Mexico increased under NAFTA, our imports from Mexico also increased, and at a faster rate.

The American people and Members of Congress are understandably frustrated by the failure of NAFTA, and they are equally skeptical about the need to enter into another trade agreement pitting low wage workers from countries with weak labor and environmental laws against U.S. workers. Trade should not be a race to the bottom in which U.S. workers must compete with countries that do not recognize core international labor standards and basic worker rights, but that is exactly what CAFTA would do.

I am disappointed by the weak labor and environmental provisions included in CAFTA. Writing labor and environmental standards into trade agreements is an important way to ensure that free trade is fair trade. But unlike the 2001 Jordan Free Trade Agreement, CAFTA fails to include internationally recognized, core labor standards. Those standards include the right to organize/associate; the right to bargain collectively; a prohibition on child labor; a prohibition on discrimination in employment; and a prohibition on forced labor. I am not seeking that CAFTA countries commit to American standards but at least to the five basic international standards developed by the ILO and supported by virtually every country in the world.

Indeed, the CAFTA-DR countries are signatories of the International Labor Organization conventions. Requiring them to abide by their own international obligations is the least we can do when considering whether they deserve to receive trade preferences from us. But CAFTA only requires member countries to enforce their own labor and environmental laws, however inadequate they may be.

Unlike the Jordan FTA, the CAFTA labor provisions are not enforceable. The U.S.-Jordan FTA treats the labor and environmental commitments the same as the commercial commitments, enforceable under the agreement's dispute settlement procedures. Under CAFTA, however, the labor provisions are not subject to the same binding dispute settlement mechanisms as are the commercial provisions, and violations cannot lead to the same level of fines or sanctions. There is a much lower standard for labor and environmental commitments, and that makes this a flawed agreement. Under CAFTA, the only labor rights and environment provision that is enforceable through dispute settlement mechanisms is if a party fails to enforce its own labor or environment laws effectively.

This is of significant concern because CAFTA nations' own labor laws do not meet international standards. In fact, these countries have histories of serious worker rights abuses. The 2004 U.S. State Department Country Reports on Human Rights Practices; the October 2003 ILO Fundamental Principles and Rights at Work'' A Labor law Study, and other ILO reports confirm at least 20 areas in which the labor laws in the CAFTA countries fail to comply with the right of association, ILO Convention 87, and the right to organize and bargain collectively, ILO Convention 98.

To give just a few examples, in El Salvador and Nicaragua it is legal to fire workers simply because they are union members; Human Rights Watch found that the use of child labor in El Salvador's sugar cane fields is widespread; and under Honduran law, it is legal to fire workers who say they intend to organize a union. One company in the Dominican Republic fired 140 workers at once because they sought a collective bargaining agreement. The company was fined $660, or about $5 per worker.

Our own Department of Labor and State Department reports show that CAFTA countries fail to provide their workers internationally recognized rights. The U.S. State Department's 2002 Human Rights report on Guatemala said:

> Retaliation, including firing, intimidation, and sometimes violence, by employers and others against workers who try to exercise internationally recognized labor rights is common and usually goes unsanctioned.

The U.S. State Department's 2002 Human Rights report on El Salvador said:

> There were repeated complaints by workers, in some cases supported by the ILO Committee on Freedom of Association (CFA), teat the Government impeded workers from exercising their right of association. In June 2001, the CFA reiterated its 1999 finding that the existing labor code restricts freedom of association.

That same report also said of El Salvador:

> The constitution prohibits the employment of children under the age of 14; however, child labor is a problem.

CAFTA would give away the current leverage we have against these violations of basic workers rights. Under CAFTA, the U.S. can only take action against a country if it deliberately fails to enforce its labor and environmental laws in an effort to gain a trade advantage. Even then, the country must only pay a fine to itself, which will be used to fund labor enforcement in that country. This is a step backwards from the status quo.

CAFTA countries currently have preferred access to our markets through the Caribbean Basin Initiative, CBI, and the Generalized System of Preferences, GSP. Under these trade preference programs, beneficiary countries must meet internationally recognized labor standards or risk losing their preferential trade treatment. These current trade preferences can be completely withdrawn for failure to meet ILO core labor standards. The possibility of losing trade benefits works as a strong incentive for CAFTA countries to make improvements in their worker rights laws. CAFTA eliminates that incentive because it gives CAFTA countries permanent trade benefits regardless of how they treat their workers and no matter how far their labor laws fall short of international norms.

If we give away that leverage, CAFTA countries would have no incentive to improve their inadequate labor laws or the treatment of their workers. If a country wants to have preferential access to the U.S. market through a trade agreement or preferential trade benefit program, it ought to agree to abide by the ILO labor standards. Without such a commitment, we might be giving special access to our markets to products made with child labor or forced labor, or to employers that intimidate or use violence against workers attempting to organize or join labor unions. That is not something we as a Nation would want to do.

Countries getting benefits from the U.S. should comply with internationally recognized labor standards as a condition for receiving those benefits. That is a reasonable expectation and one that is reflective of basic American values. Trade should not be a race to the bottom. And American workers should not be asked to compete with

countries that do not recognize core international labor standards and basic worker rights.

Rejecting the CAFTA implementing legislation as currently drafted is a rejection of the failed and flawed trade policies of the past and a signal of support for a better approach to trade that supports both the rights of American workers and the rights of our trading partners.

Mr. JEFFORDS. Mr. President, throughout my 30 years in the Congress, I have considered myself a free-trader. I believe that breaking down barriers to trade and opening access to markets in a fair and balanced way in the long run benefits all economies, both consumers and producers. As the distance between economies shrinks, integration of economies in a positive way is increasingly important. The implementation of free-trade agreements to codify the rules of fair play and bind all parties to strong and enforceable labor and environmental protection standards are important steps in the development of a more broadly beneficial and less biased world trading system.

In the case of our nearest neighbors, trade agreements take on a security component as well. I believe a strong trade agreement can help break the cycles of poverty, deprivation and marginalization currently operating in many of the Central American countries. We know the economic status quo is unjust and dangerous. Many people in the region feel they have little hope of earning a good living or providing a good education for their children. That must change. It is in the United States' economic and security interest that positive change occurs.

Throughout the Dominican Republic—Central America—U.S. Free Trade Agreement, CAFTA, negotiation process, I joined a number of my colleagues on the Finance Committee in urging President Bush and the U.S. Trade Representative to address concerns about the labor and environment standards and enforcement mechanisms in this agreement. I indicated my deep concern that historically, in most of these countries, economic benefits are not shared by all strata of society. When negotiating trade agreements between economies of such unequal scale, these concerns are of particular importance. I am disappointed the administration did not do more to advance these causes in this agreement. Some progress was made, but more could have been accomplished if our recommendations had been adopted in full.

I have heard from a great many points of view as this agreement has firmed up and the implementing legislation came before Congress. I have heard from many Vermonters who are opposed to increased trade in general and this agreement in particular. On the other hand, Vermont dairy farmers have come to me in support of CAFTA. Dairy industry experts predict that the ratification of this agreement will increase the sales of American dairy products to Central America by $100 million over the next several years—not a huge amount, but a significant one, given the economics of our dairy industry. As an important dairy State offering a number of high-quality cheeses and specialty products, Vermont stands to gain from this agreement. The agreement will create opportunities for other Vermont exporters as well, particularly small, niche businesses for which Vermont is famous. As with dairy sales, I don't expect these opportunities will be voluminous, but every bit helps in a global economy.

I have heard very diverse viewpoints from the Central American countries as well. The region's historic inability to spread economic gains to all sectors of society is of deep concern to many in the region, and I share this concern. For two decades, I have been involved in the struggle to end human rights violations and labor rights abuses in many of these countries. While CAFTA extracts important promises from Central American Governments to abide by international standards of human rights and labor rights, my experience leaves me very skeptical of these commitments. Furthermore, the economic deprivation of much of the region frustrates all but the most committed efforts at reform. Current trends are leading to greater disparity between the rich and the poor, urban areas versus rural areas, and economically connected versus economically marginalized populations. These trends must be reversed—not just for the health of the region, but also for our own economic health and national security.

The key question is whether CAFTA will exacerbate these trends, or whether it can help reverse them. Many in the region fear the United States will move in to benefit from markets in the region while frustrating Central American efforts to access U.S. markets. I have also heard from Central Americans who believe the reduction of tariffs and the standardization of commerce will greatly enhance their ability to sell to the U.S. market, thereby benefiting communities, often marginal ones, in Central America.

After hearing diverse points of view, I concluded that without significant support from the United States to assist in the enforcement of labor agreements and development of greater capacity for balanced economic growth, I could not support CAFTA. Over the past few weeks, I have joined several of my colleagues in pushing the administration to commit to greater support for foreign assistance to the region, aimed specifically at the most vulnerable sectors of Central American society and the need for a strong international presence to monitor labor rights compliance. While we requested greater levels of aid, our negotiations produced a commitment from the White House to budget for and support $40 million in labor and environment capacity building assistance for the next 4 years. Additionally the administration has agreed to increase funding to the International Labor Organization, ILO, by $3 million annually for on the ground monitoring of each country's labor rights commitments and actual labor practices. This could potentially produce the first significant step forward in broad enforcement of labor standards throughout the region.

In response to our concerns, the administration has also agreed to provide, through the Inter-American Development Bank, $30 million annually to El Salvador, Guatemala and the Dominican Republic, $10 million to each country, for rural development and institution building for a period of 5 years. This commitment of $150 million for rural development assistance to the region is very significant. We have asked that these funds be targeted most directly to the poorer sectors of these economies, particularly those most likely to suffer adverse effects from CAFTA. The administration had previously announced agreements to provide Honduras and Nicaragua with U.S. foreign assistance through the Millennium Challenge Corporation, MCC, at $215 million and $175 million, respectively. In the course of recent discussions, the administration has agreed to give higher priority to the development of MCC compacts with El Salvador, Guatemala, and the Dominican Republic as well.

While I still have concerns about CAFTA's effect upon Central America, I believe the commitments we have received from the Bush administration on foreign aid, labor rights and the environment represent a significant step forward in the ability of the region to reverse current trends and improve regional standards of living. I am hopeful these steps will lead to the improvement of the region's vital institutions and help ensure that the benefits of the agreement will trickle down to all members of society. The proof will be in the implementation, which I plan to follow very closely. However, I am heartened that we now have more to work with, and we are assured of greater support from the administration for this process. Based on the strength of these assurances, I will support the CAFTA agreement.

Mr. HATCH. Over the years, I have been a strong advocate for free trade. Free trade is important. I know of no other endeavor that affords us the opportunity to forge closer links between nations while simultaneously improving the lives of millions.

The vast majority of economists agree that free trade is in every nation's long-term best interests. Diplomats also know that it is far easier to reach a compromise between nations whose economies are mutually reliant. That being said, there are certain aspects of free trade that cause me concern. We need to be ever vigilant to ensure our approach to free trade does

not relinquish our sovereign rights as a nation.

Over the last few years, I have heard from many Utahns who are concerned that the U.S. is relinquishing sovereignty to other countries through our trade agreements. Let me make clear that we absolutely cannot give up our right to govern within our own borders. We have laws for a reason and they represent the ideals and values we hold dear in our society.

Constituents contact me on a constant basis to underscore their frustration with the gradual loss of sovereignty the U.S. is experiencing in international arenas. Local lawmakers from across the country are reaching out to us and asking for our help in ensuring their local laws and authority remain intact as we enter into international trade agreements. Indeed, recently, the Utah State Legislature passed a resolution which echoes these concerns.

The issue of maintaining sovereignty was highlighted by a recent World Trade Organization, WTO, dispute resolution body ruling on Internet gambling. The ruling stated that the United States cannot block other countries from offering Internet gambling to U.S. residents, even if they live in States such as Utah where gambling is illegal.

This is outrageous.

We absolutely cannot enter into agreements where our laws are overturned by outsiders. It is important for my colleagues to be aware, however, that the Office of the U.S. Trade Representative has interpreted the language in the WTO decision stating that gaming laws are ''necessary to protect public morals or to maintain public order'' to mean that ''WTO members are entitled to maintain restrictions on internet gaming . . . and U.S. restrictions on internet gambling can stand.''

I am aware that many in Utah are concerned that CAFTA could usurp our State's right to regulate gambling. That is a concern I shared as well. However, many of us were reassured by the statements made by the Office of the U.S. Trade Representative that CAFTA does not jeopardize any existing State laws, including Utah's antigambling laws.

We will have to stay on top of this, though. I do not intend to let any international agreement affect the laws our great State has enacted that represent the predominant moral views of our citizens.

Other concerns with CAFTA regarding ''investor-state provisions that will allow corporations to challenge public interest policies at the state and local level'' have also been raised. Once again, however, the Office of the United States Trade Representative has clearly stated that ''nothing in CAFTA, or any other free trade agreement or bilateral investment treaty, interferes with a state or local government's right to regulate. An investor cannot enjoin regulatory action through arbitration, nor can arbitral tribunals.'' This statement, in black and white, will ensure that Internet gambling is not—and will not—become legal in the State of Utah without the consent of its citizens. There can be no ''end-run'' around the USTR's interpretation of the Internet gambling decision.

Although our CAFTA trade negotiators have done much to protect our sovereignty, it is obvious that we must remain vigilant and ensure that the sovereignty of not only our Nation, but also our States, is maintained. I will work to maintain this sovereign right of the people.

Mr. President, I have become convinced that many of these problems and concerns with U.S. trade agreements could be alleviated if we improved the amount and quality of consultation occurring between States and the Federal Government with respect to trade agreements. Simply put, we need to provide greater opportunities for substantive consultation to occur.

This problem was the topic of a recent letter signed by 28 States attorneys general, including Utah, requesting greater consultation between the U.S. Trade Representative and the States on issues affecting States rights.

I believe we need to take action on this immediately and ensure that we provide greater access to and consultation with our States and citizens. We clearly are seeing how big of an impact these trade agreements are having in every State and city in America.

We need to give the States a direct conduit for their input.

Negotiators need to have this information in order to ensure we are representing the interests and beliefs of our constituents.

Mr. President, these concerns have weighed heavily upon my mind. At the same time, I am encouraged by the many positive results CAFTA will have for our State, our country, and for Utah's farmers and industries. According to the Department of Commerce, between 2000 and 2004, Utah's exports to CAFTA nations increased by 58 percent. This includes such product areas as plastics, electronics, and instrumentation.

In plastic products, Utah industries sold $18.6 million in goods in 2004. In electronic and instrumentation products, Utah businesses sold $5.6 million worth of goods in 2004. The elimination of tariffs will make these products even more competitive in this developing market.

We have reason for our optimism. While our experience with the Chilean Free Trade Agreement provides no guarantees, it is illustrative. In the first year of the U.S.-Chile Free Trade Agreement, Utah's exports to Chile grew by 152 percent.

I am also pleased that CAFTA will level the playing field so that American goods and products can have better access to Central American markets. As part of our long-standing effort to support democracies in the region, the United States has afforded unilateral preferences to Central American goods under the Caribbean Basin Initiative and the Generalized System of Preferences. CAFTA eliminates these preferences while simultaneously strengthening our commercial ties by making the trading relationship permanent. All of this will be accomplished while American products will have greater opportunities for export in the region.

One example of the positive attributes of CAFTA can be found in the agreements effect on the hard-pressed textile and yarn producing industries. Our nation, through the use of modern equipment and greatly improved efficiency, continues to be competitive in this area. Where we have lost ground is in the labor-intensive apparel construction industry.

CAFTA provides an opportunity to help rectify this setback. Under current agreements, 56 percent of all textile products that are imported from CAFTA nations to the United States contain U.S. yarns or fabrics. When CAFTA is enacted, we can only expect these numbers to increase. This stands in marked contrast to apparel imported from Pacific Rim, and in particular China, where less than 1 percent of all of apparel imports contain U.S. yarns and fabrics. Therefore, I believe, that in the case of CAFTA, the pros do outweigh the cons.

But, I will end on this note of caution. I will watch implementation of this agreement carefully. We need to have recognition of the fact that States are partners in these agreements. There must be greater opportunities afforded to the States to be consulted on free-trade agreements.

Likewise, we must remain vigilant that our Nation's and respective States' sovereignty is maintained.

On balance, Mr. President, any reasoned analysis indicates that CAFTA will benefit our Nation and our State. It is for this reason that I will cast my vote in support of the Dominican Republic-Central American Free Trade Agreement.

Mrs. CLINTON. Mr. President, today the Senate votes on the Central American-Dominican Republic Free Trade Agreement. During my tenure as Senator, I have voted for every trade agreement that has come before the Senate and I believe that properly negotiated trade agreements can increase living standards and foster openness and economic development for all parties. When DR–CAFTA negotiations began, I was eager to support an agreement. It was my sincere hope that President Bush would send an agreement to Congress that would help address the DR–CAFTA nations' development challenges and spread the gains from trade more broadly. Unfortunately, the Bush administration has not submitted such an agreement, instead missing a tremendous opportunity to conclude an agreement that

strengthens the bonds between the United States and the DR–CAFTA nations. While this agreement provides some benefit for New York, I regretfully conclude the harm outweighs the good. I must therefore vote to oppose.

My vote to oppose DR–CAFTA is one taken with great difficulty. I have heard strong arguments both for and against from many New Yorkers who have a stake in the agreement and I have weighed them seriously. Segments of the New York economy would benefit from this agreement, but at the end of the day, I cannot support an agreement that fails to include adequate labor standards and is a step backward in the development of bipartisan support for international trade.

At the outset, it is important to understand that consideration of DR–CAFTA is not occurring in isolation. This agreement must be read within the larger context of the failed economic and trade policies of this administration. Under this administration, the trade deficit has soared. The offshoring of U.S. jobs has continued to increase, and the U.S. economy has experienced a net loss of U.S. jobs. The administration has no plans to address rising health care and pension costs that are imposing such a tremendous burden on American businesses. This administration has also failed to enforce existing trade rules and has not been aggressive in addressing the tax and capital subsidies of our competitors.

Turning to the specifics of the agreement itself, DR–CAFTA fails in significant respects. The most problematic elements are its labor provisions which retreat from advances made in the late 1990s and that culminated in the labor provisions of the U.S.-Jordan Free Trade Agreement. The U.S.-Jordan Free Trade Agreement included internationally recognized enforceable labor standards in the text of the agreement. Sadly, DR–CAFTA is a step backward. The labor provisions of the DR–CAFTA agreement instead used an ''enforce your own laws'' standard which is not included in any other area of the agreement. An ''enforce your own laws'' standard may work in nations with a strong tradition of labor enforcement, but the International Labor Organization, ILO, has documented that the CAFTA countries' labor laws have not complied with international norms in at least 20 areas.

The Jordan FTA made labor rights obligations subject to the same dispute settlement resolution procedure as commercial obligations. Conversely, DR–CAFTA includes a separate dispute settlement procedure for labor disagreements, which caps the damages that can be imposed for labor violations.

The Chile, Australia and Singapore free trade agreements, which I supported, contained similar ''enforce your own law'' labor provisions to DR–CAFTA, but as I noted when I voted for these agreements, I was greatly disturbed by these provisions' departure from the labor rights standards negotiated in the U.S.-Jordan Free Trade Agreement. In the end, I supported these agreements despite these concerns because I believed the agreements would not harm the average working person in those nations and, thus, the flawed labor provisions did not outweigh the benefits offered by the agreements. I noted, however, that I would not continue to support agreements with these provisions where the impact was greater on workers. In the DR–CAFTA agreement, the flawed labor provisions represent a real missed opportunity to spread the benefits of trade not just to the wealthy elites, but to the broader workforce as well.

There are other problems with the DR–CAFTA agreement. The final agreement excludes provisions for assisting U.S. workers harmed by trade. The environmental provisions of CAFTA undermine environmental protection, by including a lack of parity between the enforcement of commercial and environmental provisions. This is a clear step back from the Jordan Free Trade Agreement. Finally, the environmental conservation provisions lack a commitment to fund their implementation.

The agreement also fails in the area of public health. Regarding pharmaceuticals, I would note that in 2001, 142 countries, including the United States, adopted the Doha Declaration, an agreement that provided that trade obligations should be interpreted and implemented in ways that protect public health. In August 2002, Congress passed the Trade Promotion Authority Act which applied Doha to U.S. trade negotiations. Despite this commitment, the administration has promoted provisions within trade agreements, including DR–CAFTA, that will significantly impede the ability of developing countries to obtain access to inexpensive, life-saving medications. Contrary to the principles of Doha, these agreements place the interests of large multinational drug companies over the ability of developing countries to safeguard public health.

The DR–CAFTA agreement negotiated by the President represents a missed opportunity in many respects, both for the DR–CAFTA nations and for the U.S. For the DR–CAFTA nations, it is a missed opportunity to ensure that the benefits of trade flow to all of their citizens and not just wealthy elites. This agreement will not promote democracy and stability in these nations. A stronger agreement would instead have bolstered the political and economic stability in these nations, through fair apportionment of benefits. In some of the DR–CAFTA nations, the agreement has proved to be quite polarizing and a better agreement could have gained broader public support.

For the United States, DR–CAFTA was a missed opportunity to reconstitute the bipartisan consensus in support of international trade. Rather than consult widely and develop a consensus, the administration has decided to go for a narrow victory with disturbing implications for the possibility of bipartisan trade agreements in the future. In a time when Americans are facing increasing economic anxiety, trade is often viewed with suspicion. An administration which fails to consult and pushes for trade agreements which are unable to get bipartisan support undermines public support for international trade as a tool for economic development and greater prosperity. Even if the administration is successful in gaining passage of DR–CAFTA, I fear that this victory will be hollow as the anxiety over international trade continues to grow. In the end, the administration's strategy to ignore consultation and consensus in its trade policy may do more harm for the cause of international trade than the purported benefits of this agreement.

While it is inevitable that some will benefit more than others from open markets, we have a responsibility to ensure that the basic rules of the game are fair. In previous trade agreements, this balance was achieved. And I voted for those agreements. DR–CAFTA fails this test.

This is a sad day for supporters of free and fair rules-based trade. Our relationship with our Central American neighbors is a critical one. The right CAFTA deal would strengthen ties between the United States and these nations. I urge the administration to reopen the CAFTA negotiations and reestablish the broad, bipartisan coalition for trade.

Mr. JOHNSON. Mr. President, I rise today to express my opposition to the Central American Free Trade Agreement, CAFTA. The United States Congress has been waiting for over a year to consider this agreement which was signed on May 28, 2004, because of the contentious nature of many of the agreement's provisions. It is those provisions that I rise today to address.

Ethanol is an incredibly important industry in my home State of South Dakota. It is imperative for facilitating additional market opportunities for producers in the State and adding value to agricultural commodities. CAFTA maintains the ethanol provisions contained in the Caribbean Basin Initiative, CBI, which allows CBI countries to export up to 7 percent of the U.S. ethanol market duty-free containing no local feedstocks. Under these provisions, I am concerned that Central American countries may function as conduits for South American ethanol. El Salvador and Costa Rica, in particular, are granted generous carveouts from the total ethanol allotments under CAFTA. El Salvador will eventually be allowed .7 percent of the U.S. market, and Costa Rica will be allowed twice what they are currently importing into the U.S. under CAFTA.

I have worked tirelessly with my Senate colleagues to ensure an eight billion gallon Renewable Fuels Standard, RFS, in the Senate version of the Energy bill. As our United States ethanol market increases, so to, under this agreement, does the quantity of the market afforded to CAFTA countries—or afforded to ethanol en route to the U.S. through CAFTA countries for a quick and easy reprieve from tariffs. Foreign producers of ethanol will find the U.S. even more attractive with an 8 billion gallon RFS, and I am concerned for the impact that this, and future trade agreements, will have on the ethanol industry. I simply cannot support an agreement that may undermine one of the most important industries in my home state, and set a dangerous precedent for future agreements of this nature. Specifically, producers have expressed concerns for the pending Free Trade Area of the Americas, and the impact that CAFTA will have on this potentially detrimental agreement.

The sugar provisions are troubling as well, and have been a marked point of contention causing controversy among agriculture groups. I continue to hear from producers in my home State who are concerned with the potential impact of displaced sugar acres from this agreement, as the treatment of sugar will impact numerous commodities in South Dakota. Producers are concerned that displaced sugar acres will lead to increased corn and soybean acres, depressing commodity prices for corn and soybeans. Parts of this agreement are still being negotiated, specifically with respect to the sugar compensation mechanism to ensure we have not imported more than 1.5 million tons of sugar, and I fail to see how we can adopt an agreement with so many outstanding questions.

Secretary Johanns indicated that a few possible compensation mechanisms existed for the sugar industry, which the sugar industry has thoroughly rejected. The Secretary actually proposed purchasing sugar that would otherwise surpass the trigger limit and use that sugar for nonfood items, specifically ethanol production. Using foreign sugar to produce ethanol is an incredible, and outrageous proposal. It will only function to displace a hard-earned market for domestic corn producers. Instead of offering a reasonable solution to the sugar industry, the administration is now persisting to sacrifice domestic commodities to placate opposition to this incredibly flawed agreement. Alternatively, U.S. agricultural commodities may be offered up as compensation for undesired sugar from CAFTA countries. And both of these proposed compensation mechanisms are temporary, through the life of the Farm bill only. The administration is persisting with this Band-aid approach, while offering no real or meaningful solutions.

CAFTA fails to address key labor issues and environmental standards. Under CAFTA, countries are not obligated to uphold International Labor Organization, ILO, laws and the agreement fails to include enforceable labor standards. The agreement states that countries should ''strive to'' ensure their labor laws are comparable to international labor laws, but includes no enforcement mechanisms. This effectively renders the aforementioned laws meaningless. The agreement speaks to the enforcement of domestic labor laws—the enforcement of domestic labor laws, however, that are held to no particular standard. Aside from an ethical and moral dilemma, this agreement also functions to highlight an economic dilemma. The lack of labor standards will arguably present a competitive advantage over U.S. companies that are observing labor standards and ensuring, quite simply, the humane treatment of their employees.

Myriad reports exist that detail the harsh and unforgiving conditions workers are subjected to in countries with lax, or nonexistent, labor standards. According to ILO estimates, 17 million children between the ages of 5 to 14 are part of the working population in Central American countries. These children all too often miss out on any type of formal schooling because they are responsible for earning a meager salary, just a few dollars, to contribute to their family's income. These dire economic circumstances only function to illustrate the weakened labor standards that CAFTA will, effectively, endorse and sanction. International human rights organizations have repeatedly criticized labor standards in CAFTA countries, and this agreement does nothing to remedy this. Additionally, these circumstances underscore an inability on the part of CAFTA countries to purchase a substantive amount of American commodities.

Additionally, the environmental standards in CAFTA are troubling. Countries will be deterred from instituting meaningful environmental regulations when they may be held accountable for any inconveniences that foreign investors experience. International tribunals will enable foreign investors to challenge meaningful environmental regulations and rules that were instituted to preserve the environment. Foreign investors may expect and seek monetary compensation.

I voted against the North American Free Trade Agreement, NAFTA, because I was concerned for the detrimental impacts on our rural communities and for the preservation of rural America. I continue to hear from producers in South Dakota who are concerned for the impacts of NAFTA on our economy, and I am concerned for the proposed expansion of this model under CAFTA. Producers are simply tired of seeing the unrecognized trade benefits promised under these trade agreements.

Ms. CANTWELL. Mr. President, today, I proudly announce my support for S. 1307, a bill implementing the Dominican Republic-Central America-United States Free Trade Agreement, or CAFTA. There is much in CAFTA that helps Washington State.

I generally support trade agreements such as CAFTA because I believe that free trade is the best way to raise the standard of living for all Americans and for all people in other countries with which we trade. I believe that once other nations have access to our goods, culture and ideas, we will find that the world will adopt the best attributes of America, including our values.

The alternative to supporting CAFTA is unworkable. If CAFTA fails, the Nation's efforts to negotiate future trade agreements will be badly damaged. Congress has to pass CAFTA because it offer benefits to all CAFTA signatories, and because in light of the broader trade context our negotiators would suffer a setback if CAFTA does not pass.

Washington State has historically benefited from liberalizing trade laws. For example, in the first year following the United States-Chile Free Trade Agreement, Washington State exports to Chile more than doubled. And since NAFTA passed in 1993 Washington exports to Canada and Mexico have increased by 130 percent.

CAFTA promises to confer some of the same benefits on Washingtonians. CAFTA makes all U.S. exports to the CAFTA countries duty free in 10 years, and most of these tariffs are eliminated immediately. U.S. exports to these countries are often subject to tariffs, and CAFTA brings us closer to trade parity. In particular, Washington State's pear, cherry, apple and potato growers will see most tariffs on their crops immediately reduced to zero as soon as CAFTA is implemented. These farmers have low enough profit margins without having to contend with high tariffs on their goods, and tariffs place our farmers at a competitive disadvantage with farmers in other countries that are not subject to high tariffs. Our farmers need and deserve better conditions for selling their goods to the seven CAFTA countries.

In total, Washington State exported $113 million worth of goods to CAFTA countries in 2004, including oil and coal exports, crops, computers and electronics, processed foods, machinery manufactures and paper, and Washington's trade relationship with CAFTA countries increased by 251 percent from 2000 to 2004. These goods are heavily tariffed under current international trade laws with the CAFTA countries.

But under CAFTA, Washington's apple and pear growers will see duties that are currently up to 25 percent on their goods reduced to zero, and our grape growers will see 20 percent tariffs zeroed out. Tariffs on Washington's raspberry growers will be phased out over 5 to 15 years, depending on the CAFTA country, and our dairy farmers, some of whose products are subject to 60 percent tariffs, will see those tariffs phased out over 20 years. The Washington beef industry will see 30 percent

tariffs immediately eliminated on some of their products, and other beef product tariffs will be phased out over 10 years. Wheat and barley duties are zeroed out immediately, and potato growers will see some tariffs immediately eliminated and most others phased out over 15 years.

Washington State is likely to see its exports to CAFTA countries dramatically increase over time, once CAFTA is enacted. For example, Northwest Washington is likely to see its agricultural exports to CAFTA countries increase as CAFTA is gradually implemented up until 2024, from $2.1 million to $3.8 million, and Central Washington is likely to see agricultural products shoot up from $14.5 million to $22.4 million during the same 20-year stretch. These heavy increases mean more jobs for Washingtonians, at a time when the State is just now turning things around economically.

Nationally, CAFTA is also important. CAFTA countries make up the tenth largest export partner for American goods, making that region a larger trading partner for the U.S. than Australia, Brazil or India.

While I support CAFTA, I acknowledge that it could do more to protect labor rights in the CAFTA countries, it could be better on the environment and it could better take account of human rights in those nations. Therefore, CAFTA should not be seen in a vacuum. CAFTA is merely one part of what must be a larger strategy for addressing our workers' needs in a rapidly evolving world economy, and for addressing the economic and political problems of our neighbors to the South.

I firmly believe that in the long run, encouraging export-led growth in developing countries will help raise incomes, tighten labor markets, and improve job standards in those countries. Opening markets will drive political changes too. Open markets and democracy are the two prevailing political ideas of the present, and they will become even more prevalent in the future. America has to remain the leader in exporting these powerful ideas to the entire world, and CAFTA is one more step we can take to accomplish this.

I also strongly believe that our trade policy should couple trade liberalization with worker retraining and other creative, proactive and responsive forms of labor assistance. Globalization will happen no matter what. So we need to be prepared for these changes, and help assure that America's working families do not take the brunt of them.

That is why I am working with my colleagues to fully implement improvements to the Trade Adjustment Assistance Program, TAA. TAA provides workers with access to retraining programs, income support, and other benefits when they lose their jobs due to trade. And TAA works—the Government Accountability Office reports that after TAA was last modified, most workers are enrolling in training services sooner, from 107 days in Fiscal Year 2002 to 38 days in Fiscal Year 2003.

TAA must be expanded. We should raise the cap on TAA funds, since 35 States in Fiscal Year 2004 did not have sufficient funds to cover funds those States obligated and paid to TAA-eligible workers. After Trade Promotion Authority passed, we doubled the TAA program to help cushion difficult transitions of workers whose jobs are lost because of trade. We should plan ahead and increase TAA again, to coincide with enactment of CAFTA.

TAA and similar programs must also work better. We must plan ahead for changes in our economy—these changes are inevitable, and our long-term plan at training our workers to be prepared for these changes will determine whether America competes in the global market.

The 21st century marketplace is dynamic, and public policy must also be flexible if we are to best take advantage of these changes. As our economy continues to shift from a predominantly manufacturing base to a heavy service sector economy, government programs such as TAA must continue to reflect these changes.

Specifically, I support proposals such as the Trade Adjustment Assistance Equity for Service Workers Act, which would enhance TAA by extending the program to service sector and secondary service workers. Currently only manufacturing workers qualify for these benefits. Including service sector workers merely reflects the realities of our economy—America will lose somewhere between 500,000 and 3 million service sector jobs to other countries in the next 10 years. I want to emphasize that these are not net job losses, but they will result in people being displaced. People with service sector jobs have families in need just as sure as manufacturing workers do. They should share in the TAA program.

We can also close loopholes that make it difficult for some older workers to participate in an add-on to TAA that was meant specifically for them. Now that we have identified these loopholes, it is good government to close them. Our older workforce, some of whom are not the ideal candidates for longer training courses, will benefit from closing these loopholes and once this is done they will be placed in new jobs more quickly.

Those concerns, especially about the need to make preparing our workforce for the global economy a higher priority, can be addressed by Congress and the administration in the coming months, and I will work to achieve these goals moving forward. I ask unanimous consent that a letter from Ambassador Portman be printed in the RECORD.

Ms. CANTWELL. Mr. President, though we have much to do to make opening markets fairer to all those affected, CAFTA is good for Washingtonians, especially our farmers, it is good for America, and in the long run it will be good for the people living in CAFTA countries too. I will vote for CAFTA and continue to work to maximize what Washingtonians get out of globalization, while also working to minimize the negative side effects that sometimes result from it. Aggressively balancing the impact of opening markets is the track we must all accept. America's economic future hangs in the balance.

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

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, June 28, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington DC.

DEAR JEFF: As the Congress considers the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR), you have raised concerns about ongoing efforts to improve enforcement of labor laws and to monitor progress in this regard in the CAFTA-DR signatory countries. As you know, Congress appropriated $20 million in FY05 specifically for projects to improve labor and environmental law enforcement in these countries.

The recent House Appropriations Committee mark-up of the FY06 Foreign Operations appropriations bill increases this commitment for the next fiscal year, with $40 million earmarked for labor and environmental enforcement capacity-building in the CAFTA-DR signatory countries. The Administration is willing to support this level of funding in the FY06 Senate appropriations bill.

Furthermore, because we are willing to make a longer-term commitment to improve labor and environmental law enforcement in the CAFTA-DR countries, the Administration is willing to propose and support this same level of labor/environment capacity-building assistance for the next three fiscal years, FY07 through FY09.

More specifically, you have suggested the assistance of the International Labor Organization (ILO) in monitoring and verifying progress in the Central American and Dominican governments' efforts to improve labor law enforcement and working conditions.

We are willing to implement your idea. Your proposal, as I understand it, is that the ILO would make a transparent public report of its findings every six months. The Administration has now consulted with the ILO and determined that this function would require additional funding to the ILO of approximately $3 million annually. The Administration is willing to devote approxiniately $3 million of the $20 million in FY05 labor enforcement assistance monies to support and fund this ILO monitoring initiative. To ensure that this monitoring continues, the Administration is willing to continue a funding commitment to ILO monitoring for the next three fiscal years, FY07 through FY09.

The Administration also shares your goal of ensuring that we pair expanded trade opportunities with economic development assistance designed to ease the transition to free trade, especially for rural farmers in our CAFTA-DR partners. On June 13, 2005, the U.S. Millennium Challenge Corporation (MCC) signed a $215 million compact with Honduras targeted specifically at rural development and infrastructure, and on the

same day the MCC announced a $175 million compact with Nicaragua that will be signed shortly.

As Secretary Rice and I have already communicated to you, we are willing to give high priority to negotiating compacts with El Salvador, Guatemala; and the Dominican Republic when those countries become eligible for MCC assistance under higher per capita income caps next year. I anticipate that such compacts would provide substantial U.S. economic assistance for rural development in these countries.

In addition, the administration has worked with the Inter-American Development Bank (IDB) to provide new assistance, including $10 million in new grants announced by the IDB earlier this month for rural development and institution building. I hope you will join me and officials from the IDB, World Bank, and other institutions next month for an international donors conference to discuss other ways we can direct development assistance toward meeting the needs of rural populations.

To address your specific concern about the period before MCC compacts might be negotiated with El Salvador, Guatemala, and the Dominican Republic, the administration is willing to support additional spending for rural development assistance of $10 million per year for each of those countries starting in FY07 for a total of five years, or until the signing of an MCC compact with such country, whichever comes first. This amounts to a $150 million commitment in transitional rural assistance for these countries over five years.

These monies will provide transition assistance to rural farmers in these three countries for a defined period, while preserving a very strong incentive for candidate countries to meet the statutory criteria to receive what would likely be much higher levels of economic assistance under an MCC compact. Since the implementation of CAFTA-DR requires steps which reinforce the statutory criteria for funding under the MCC law, I believe that implementation of the agreement will assist these three countries to move quickly toward qualifying for a successful MCC compact with the United States.

Furthermore, because many of the agreement's requirements for agriculture liberalization in the CAFTA-DR countries for sensitive commodities—such as dairy, poultry, and rice—will not fully occur until ten, fifteen, or even twenty years after CAFTA's implementation date, I am confident that this transitional mechanism provides ample time for adjustment in the rural economies of these nations.

Sincerely,

ROB PORTMAN.

Mr. SPECTER. Mr. President, I seek recognition today to express my objections to the U.S. Central American Free Trade Agreement, CAFTA. I have spent a considerable amount of time reviewing the contents of the agreement and there remain outstanding questions regarding labor and agriculture. Until these questions are satisfactorily answered, I am opposed to the agreement.

Since June of 1998, Pennsylvania has lost 199,600 manufacturing jobs. Nationwide nearly 900,000 manufacturing jobs have been lost. These statistics are staggering. Unfortunately, this trade agreement would adversely affect this job loss in the United States; especially in Pennsylvania. As I reviewed the agreement, I noticed the establishment of a new legal regime that increases safeguards for multinational investment through changes in tariff rates, rules of origin, and quota phase-outs, which would allow corporations in Central America to sell a product at a cheaper price. In order to compete under these conditions, many U.S. corporations would have to shut down their operations, export their jobs, and leave skilled workers jobless. This agreement would aggravate the problem.

In addition to job loss, this agreement fails to enhance workers' rights. Over the course of the last 5 years, Congress has worked to establish a standard within trade agreements that protects workers' rights. In 2001, when Congress adopted the Jordanian Trade Agreement, labor provisions were included in the body of the agreement. These labor provisions were made subject to sanctions through the dispute resolution process. Unfortunately, this agreement only strives to enforce workers' rights but does not offer provisions for Central Americans to unionize, collectively bargain, and secure the right to strike.

Currently, the six CAFTA nations are subject to the Generalized System of Preferences, GSP, and the Caribbean Basin Initiative, CBI, which condition market access with respect to the International Labor Organization, ILO, standards. Linking market access to labor protections has been responsible for many significant labor reforms in Central America in the last 20 years. However, if enacted, CAFTA does not mandate that the labor laws of the Central American countries comply with the International Labor Organization, ILO, core standards, which include freedom of association, the right to organize and bargain collectively, and the freedom from child labor, forced labor, and discrimination.

Ultimately, CAFTA would create downward pressure on wages because it would force our American workers to compete with Central American workers who are working for lower wages. This would allow foreign based companies to expand while leaving America more dependent on imports from abroad, which in turn would lessen the demand for domestic production and create even greater economic instability.

Finally, CAFTA's impact on agriculture is problemsome. CAFTA will not open new markets for American agriculture goods. The U.S. is already the CAFTA regions largest trading partner. In many cases, our farm exports to the six CAFTA nations face tariffs that are low or nonexistent and dominate their agricultural markets in several commodities. The International Trade Commission has indicated that there would be little gain for agriculture. For example, currently, the U.S. supplies 94 percent of all grain into the region.

I urge my colleagues to carefully examine this trade agreement. As a nation, we cannot continue to allow the erosion of our manufacturing base. Equally, CAFTA should continue to meet the labor standards created in previous trade agreements, which it must before I will consider supporting it. For these reasons I am voting no.

Mr. CARPER. Mr. President, free trade—when done correctly—can be an important tool in building consumer demand for U.S. products worldwide, encouraging investment and growth in developing markets, and forging new alliances. Today, Congress is considering an agreement to expand trade with Central America and the Dominican Republic.

Delaware is already heavily engaged in trade with Central American countries, with $25 million in exports in 2004. In fact, a large amount of the fruit imported through the Port of Wilmington by Chiquita and Dole come from Central America. However, while 75 percent of Central American products enter the United States tariff free, almost all U.S. goods continue to face tariffs in Central America. The Dominican Republic-Central America Free Trade Agreement, or DR–CAFTA, will level the playing field for U.S. workers and businesses that rely on exports to Central America and the Dominican Republic by providing immediate, duty-free access for more than 80 percent of U.S. consumer and industrial goods.

For Delaware, this will lift tariffs on the fabrics supplied by companies like Invista to sewing operations in Central America, making textiles in the Americas more competitive with China. Delaware's poultry producers will finally gain access to Central American markets under DR–CAFTA. When the agreement goes into effect, some U.S. chicken products will be given immediate duty-free access, and that access will expand annually until duties are eliminated.

Free-trade agreements with developing countries also offer an opportunity to encourage reform. Certain reforms were accomplished in DR–CAFTA, such as competitive bidding for government contracts and protection of copyrights, patents and trademarks—very important to Delaware companies such as AstraZeneca and Dupont.

However, we have not used the opportunity provided by the negotiation of this agreement to make as much progress as we should have, particularly in improving conditions for workers and protecting the environment. Steady progress was made in the 1990s in the way these important issues were addressed. By the time the Jordan Free Trade Agreement was adopted in 2001, labor and environment provisions were all subject to sanctions through the agreement's dispute resolution process. This was an important advancement, not just for workers in developing nations but also for competing workers and businesses in the United States. The agreements Congress has considered since 2001 have retreated from this

strong enforcement standard, and this has unnecessarily weakened the bipartisan support for free trade that we have built over the years.

While I am pleased that the administration has agreed to support an increase in funding to support efforts to improve labor and environment conditions in Central America, I am aware of no reason to back off of the strong enforcement of labor and environmental obligations that we have included in several agreements. Let me be clear. The administration must include a greater level of enforcement of labor and environment standards in those trade agreements currently being negotiated in order to be assured of garnering my support in the future. It is particularly important that we enforce the obligation not to backslide or repeal current labor and environmental laws and regulations.

I will be watching the negotiations of the Andean and Thailand trade agreements closely. If this administration is serious about getting those approved, they will listen to the concerns that have been expressed in the debate over DR–CAFTA, consult with Democrat and Republican Senators during the course of those negotiations and send the Senate free trade agreements with stronger enforcement of labor and environmental standards. In the months and years ahead.

Mr. CORZINE. Mr. President, after serious deliberation, I will be voting against the United States-Dominican Republic Central American Free Trade Agreement, or CAFTA. While I support the principle of free trade, free trade must also be fair. I have supported our trade agreements with Australia, Jordan, and Morocco because these agreements reduce or eliminate barriers to American exports while preserving and protecting important labor, environmental and security interests around the globe.

A trade agreement between the United States and Central America with the same safeguards has the potential to serve as an important tool for promoting development and advancing meaningful socioeconomic reform in the region. That said, the agreement before us takes a significant step back from previous agreements with respect to both labor and environmental protections, and will only exacerbate the outsourcing of American jobs and aggravate an already dangerous world trade imbalance. American workers justifiably feel insecure in today's economy, and the outsourcing of American jobs at home is a major reason. The increasing trade deficit puts an exclamation point on their concerns.

I would like to understand how this agreement is not just another in a long line of bad trade agreements that exacerbate our trade problems. Before we rush forward with policies that on the surface are failing, I would like some assurances that this won't be just another punch to the stomach of American industry and American workers. What we have been doing obviously has not been working. Why do we continue down this misguided path? The American trade deficit over the past ten years demonstrates we're on the wrong track.

At a more parochial level, since NAFTA was implemented in 1994, New Jersey has lost 130,000 manufacturing jobs—46,000 as a direct result of NAFTA. New Jersey was once a center for manufacturing. In 1996, Allied Signal in Eatontown sent 230 jobs to Mexico, and required the laid off workers to train their Mexican replacements. American Standard in Piscataway and Hamilton sent 495 jobs to Mexico. Patterson's textile industry disappeared. I could go on and on about town after town in New Jersey that lost jobs after NAFTA—from Millville to Elizabeth, from Woodbridge to Pennsauken. Another bad trade agreement is the last thing New Jersey needs.

It is clear this is part of the Bush administration's misguided strategy with respect to U.S. trade policy. The Bush administration has made CAFTA, not China, is its No. 1 trade priority. Yet trade with Central American countries represents only 1.5 percent of U.S. trade. The Gross Metropolitan Product, GMP, of the city of Newark is $103 billion, larger than the GDP of all of these countries combined, $85.2 billion. Compare that with the fact that, just last year, the United States ran a $162 billion trade deficit with China. Our trade deficit alone with China is nearly double the GDP of the entire Central American trade region. This is a much more pressing issue for our economic security, and we should be focusing our attention on where the risks to imbalances are. Where is the pressure for currency adjustment with China or the protection of intellectual property rights?

But this administration insists we first take up CAFTA, and so I feel compelled to discuss my opposition to this agreement. Free trade agreements must protect the rights of workers, both at home and abroad. When NAFTA was passed by Congress more than eleven years ago, there was great hope that the agreement would create thousands of new jobs in America and promote labor rights abroad.

Yet, as we stand here 11 years later, we know that the U.S. Department of Labor has certified more than 525,000 workers for NAFTA trade adjustment assistance because their jobs were lost due to NAFTA imports or shifts in production to Canada or Mexico under NAFTA. Those same numbers reveal that, through 2002, more than 46,000 New Jersey workers had similarly lost their jobs. And the numbers are actually more serious, because since 2002, the Department of Labor has refused to release these sobering statistics—some estimates suggest it is closer to one million jobs lost.

The U.S. International Trade Commission, ITC, predicts that CAFTA will actually increase the U.S. trade deficit with Central America because American companies will relocate their workforces and export their products back to the United States, just as companies did under NAFTA. This can continue to decimate communities across the country, as local plants shut down and the jobs moved overseas. NAFTA established the Trade Adjustment Assistance program, TAA, to help thousands of manufacturing workers receive retraining, keep their health insurance, and make a new start. But service sector jobs were left out. During the past several years, nearly half a million service jobs have moved offshore to other—mostly low-wage—countries. Senator Wyden's bipartisan amendment to extend TAA to service employees was accepted by the Finance Committee. Yet, when President Bush sent the CAFTA legislation to Congress, this amendment had been stripped from the bill. This amendment was sensible, it was fair, and it should have been included in this legislation.

For all of the harm CAFTA would cause U.S. workers, I am equally as concerned about the harm the agreement could do to the rights and protections of workers in Central America. A fair trade agreement must require each nation to improve domestic labor laws to meet basic workers' rights. And it should discourage our trading partners from weakening or eliminating entirely their labor laws in order to gain an unfair trade advantage. But CAFTA does neither. CAFTA's lone enforceable workers' rights provision requires only that these countries enforce their own labor laws—laws that our own State Department has said fail to meet recognized international standards. This not the standard for commercial or investment standards. This failure to include an enforceable requirement that labor laws meet basic international standards represents a significant step backwards from the labor rights provisions of our agreement with Jordan, a country with significantly stronger labor protections. In our shared goal at improving labor standards around the world, trade agreements like CAFTA should be both the carrot and the stick. CAFTA is neither.

CAFTA proponents have argued that this agreement is the principle means to lift Central America out of poverty and promote these shared principles. But this agreement will not do that, and the consequences of NAFTA are evidence of why. Since NAFTA was implemented more than eleven years ago, real wages in Mexico have fallen, the number of people in poverty has grown, and the number of people illegally migrating to the United States to seek work has doubled.

NAFTA's liberalization in the agriculture sector displaced more than 1.7 million rural small farmers, overwhelming the 800,000 number of new jobs created in the export processing sectors. Rather than learn from these sobering failings by negotiating a trade

agreement that creates good jobs, guarantees worker rights, and lays the groundwork for a strong middle class, the Administration has cloned NAFTA. Unfortunately, the results are likely to be the same.

What is also likely to be the same is the devastating impact on the environment that CAFTA is likely have on Central America. Central America is one of the most biologically diverse areas of the world. The region faces daunting environmental challenges that threaten its potential for sustainable development. Yet CAFTA would undermine hard-won environmental protections by allowing foreign investors to challenge environmental laws and regulations in all of the countries, including the U.S., that are parties to the agreement.

We have not learned the lessons of the past. This is another bad trade agreement that fails to address the real economic issues our nation faces today. We should be addressing our trade imbalance. We should be promoting job growth here in the United States, instead of further encouraging companies to move jobs elsewhere. I oppose CAFTA because it fails to preserve worker rights, protect the environment, or promote economic development at home and abroad. It is wrong for New Jersey, and it is wrong for America.

Mr. SMITH. Mr. President, more than 20 years ago President Reagan made a commitment to help the countries of Central America by providing them with unilateral access to the U.S. market. Through preference programs such as the Generalized System of Preference, GSP, and the Caribbean Basin Initiative, Congress and various administrations have sought to help our southern neighbors by promoting development and encouraging the building of democratic societies.

The Caribbean Basin Initiative has provided critical economic aid to the fledgling democracies of Central America, and in the past 20 years, chaos has been replaced by commerce.

Since 1985, exports from the region to the United States have quadrupled; and today, the agreement that we are taking up seeks to provide reciprocal access for our domestic producers.

Today, 80 percent of goods and services and 99 percent of agricultural products from the CAFTA-DR countries already enter the U.S. duty free. In contrast, our domestic producers face steep tariffs—which are essentially foreign taxes—into the region. Under CAFTA-DR, many of those tariffs would go to zero.

It is estimated that if approved, CAFTA-DR would result in approximately $1 billion in annual savings on tariffs for U.S. producers.

Under CAFTA-DR, Oregon apple and pear growers, who currently face tariffs as high as 25 percent into the region, will benefit from immediate duty elimination on fresh apples and pears.

Oregon potato producers benefit from duty elimination on certain potato products, including french fries, which will immediately become duty-free in most DR–CAFTA countries.

With $104 million in export sales and total cash receipts of $155 million, Oregon's wheat producers will benefit from the immediate elimination of tariffs on wheat and barley in all six countries. An American Farm Bureau analysis shows that U.S. agriculture may gain $1.5 billion in increased exports each year when the agreement is fully implemented.

Oregon retailers, including Nike and Columbia Sportswear, would benefit from greater market access and increased sourcing options.

Intel, another major employer in my state, stands to benefit from this agreement. The CAFTA-DR countries combine to rank as Oregon's 10th largest export market. According to the Office of Trade and Economic Analysis, 94 percent of Oregon's exports to the region in 2003 were high-tech products. For the 15,500 Intel employees in Oregon, CAFTA-DR is critical for future growth in the region.

This agreement is about leveling the playing field for our domestic producers. The CAFTA-DR countries already have access to our market; this agreement gives our growers and manufactures a chance to thrive in DR–CAFTA markets.

In recent weeks, this agreement has been endorsed by the Oregonian, the New York Times, the Washington Post, the Wall Street Journal, the Los Angeles Times, and USA Today.

I understand that there are those who are not entirely happy with this agreement, including some in my own State. However, I come from a State in which one in four jobs is tied to exports. This agreement is about increasing export opportunities for producers in my State and around the country.

A recent editorial in the Oregonian said this about the agreement:

> It is disturbing to see Oregon and national leaders back away from the principle that free and fair trade is good for the United States and the rest of the world. People are better off in an integrated global economy where they have the opportunity to sell their goods, services, and skills around the world.

As a businessman, I have seen firsthand the remarkable ability that trade has to raise the standard of living both domestically and around the world. I am hopeful that by passing this agreement, we will be able to create new growth opportunities for U.S. and Central American producers, and we will be able to show that America truly is a leader in furthering free and fair trade.

Mr. BYRD. Mr. President, I want, first to compliment the subcommittee chairman of the Energy and Water Appropriations bill, Senator PETER DOMENICI, and the ranking member, Senator HARRY REID, for the outstanding job they have done in putting together this bill. The well-being of the Nation depends greatly upon adequate investments in the many programs and activities contained in this bill.

Through this measure, we are supporting the backbone of our Nation's water transportation and flood protection programs through the Army Corps of Engineers; the irrigation water supply systems for the western States through the Bureau of Reclamation; the protection of our Nation's nuclear weapons stockpile; the advancement of science programs to help ensure that the United States remains a leader in the international scientific community; a number of independent agencies and commissions, including the Appalachian Regional Commission, the Denali Commission, and the Delta Regional Authority; and now, due to the restructuring of subcommittee jurisdictions, the entire Department of Energy, DOE.

As part of that restructuring, the Energy and Water Subcommittee was charged with oversight and appropriations responsibilities for the fossil energy research and development, R&D, within the Department of Energy. Senator DOMENICI and I have long worked on these programs, and I thank him and Senator REID and their staffs for their hard work, diligence, and support for fossil energy research in this bill.

Through the Fossil Energy R&D programs, DOE supports research involving economically and environmentally sound use of our Nation's domestically produced fossil energy resources. It forges partnerships between Government and industry to accelerate the development, demonstration, and deployment of advanced technologies that show promise in helping to ensure cleaner, more reliable, and more affordable energy, now and in the future.

While the subcommittee did not hold a fiscal year 2006 budget hearing on the fossil energy R&D programs this spring, I appreciate Senator DOMENICI's commitment to hold annual oversight hearings on the fossil energy programs beginning next year. I look forward to participating in these hearings as our fossil energy resources will continue to be important to this Nation.

I would also like to mention that the clean coal program, which falls under the fossil energy portfolio, has been critical to the development of cleaner, low-carbon fossil energy technologies.

I created the Clean Coal Technology program in 1985, and I am very proud to report that after five solicitations, 32 projects have been completed, with a combined value of $3.7 billion Government/industry investments to develop advanced technologies that are resulting in cleaner, more efficient, and more cost-effective power generation.

The subsequent Clean Coal Power Initiative, started by President Bush in 2000, was to be a $2 billion demonstration program over 10 years, consisting of four rounds of solicitations. The administration's fiscal year 2006 budget request of $50 million falls woefully short of being able to keep the CCPI on a 2-year solicitation schedule. However, I am very appreciative of the additional $50 million that was provided

by Senators DOMENICI and REID, at my request. This funding will help to pave the way for a third CCPI solicitation in the near future.

If we ever hope to increase our energy security, reduce our dependence on foreign energy resources, and develop fossil energy technologies that allow us to burn coal with little to no pollution, we must adequately invest in these critical programs. There are no better champions for energy research than Senator DOMENICI, Senator REID, and me. We have been able not only to authorize initiatives so critical to America's energy independence, but we also have been able to direct resources to those important efforts and keep them adequately funded for at least another year.

On Tuesday, June 28, 2005, the Senate passed a bipartisan Energy bill, and I was happy to support that bill. It is generally a positive bill, but it is also very much of a business-as-usual approach toward energy policy. This bill simply provides authorization for new and existing programs related to energy policy. Despite the fact that the administration is strongly pressing for an Energy bill, I have to wonder if the necessary funding to support this legislation will ever emerge in subsequent administration budgets.

Certainly, the administration's track record on funding other important measures like No Child Left Behind makes one wonder if energy funding will face continued shortfalls despite the prized rhetoric and Rose Garden ceremonies. Due to very constrained budget allocations, the Appropriations Committee is likely to find it extremely difficult to maintain funding for current energy programs, to say nothing of adding funding for the new or expanded energy programs in an Energy bill.

At least for the next fiscal year, the Senate's mark for the fossil energy programs will keep these programs moving in the right direction, despite the administration's budget cuts. Again, I thank the chairman and the ranking member of the Energy and Water Subcommittee and their staff, Scott O'Malia, Roger Cockrell, Emily Brunini, Drew Willison, and Nancy Olkewicz, for their extraordinary efforts in this regard and for producing a bill that I believe we can all support.

Mr. DURBIN. Mr. President, I rise to oppose CAFTA for the reasons I stated earlier. It seems logical to say that if we want to expand our export markets, we should be negotiating with countries who have a more sizable market for our goods and greater buying power to purchase our goods. However, these CAFTA countries account for only 1.5 percent of U.S. exports.

Illinois is an agriculture State. I have supported prior trade agreements because of the benefit they have provided to agriculture. However, estimates that passage of CAFTA will produce sizable trade gains for U.S. farmers are overly optimistic. CAFTA countries have a combined population of approximately 31 million people who generally have limited incomes with which to purchase agriculture products. In fact, the market is only worth $1.6 billion in annual agriculture products.

According to the most recent data, the U.S. supplied 94 percent of all grains imported into the six CAFTA countries. This domination means there is little room for further upward growth in grain exports to CAFTA nations.

I believe in international trade, provided it is fair trade and can expand our economy and create jobs. But I have concluded that this trade agreement will not do that. It is merely another product of this administration's failed trade strategy—a strategy that has victimized American manufacturers while costing millions of American workers their jobs. The administration is so wedded to the notion that all is well that it cannot hear the cries of those who would be harmed by this trade agreement. The failure to take sufficient and educated steps to strengthen America's future in this trade agreement is why I am opposing CAFTA.

Mr. BIDEN. Mr. President, not that long ago, for the average American, our world was not a threatening place. Not long ago, there was little reason for the average American to feel anxious about the future. The United States was the only superpower; our economy was enjoying record growth and job creation.

Those things are no longer true. The rise of terrorism, the war in Iraq, international economic competition from new sources like China and India, as well as increased economic insecurity here at home—together these forces have cost us a lot of our optimism, a lot of our self-confidence.

We are a people whose birthright is a belief in a better future, a belief in our ability to control our own fate, at home and abroad. That is our national character. But these days, our character is being tested.

Even in the best of times, trade legislation has been a touchy subject. These days, it can be among the most contentious issues we confront. Our trade deals carry the freight of our insecurities, economic and otherwise.

They carry our worries about our place in international competition, about job security, about losing our grip on our standard of living. There are real reasons that Americans are worried these days. Studies by the Federal Reserve and others confirm that income mobility—the opportunity for children to do better in life than their parents is declining, approaching the levels of more static, developing economies.

Without poring over statistics, Americans can see that happening. The reality of self-determination, the fact of social mobility, has been the foundation of our optimism. When the facts change, when the pace of mobility slows, it shows. Instead of a generation or two between poverty and a solid middle class living, today it can take five or six generations.

We have yet to produce one single new job since this administration came into office. Not one. Whomever you blame or however you explain it, that is a fact that registers in the lives of Americans. Not since the Great Depression has it taken so long to replace lost jobs.

That is why long-term unemployment—over half a year looking for a job—is the lot of over a million and a half Americans.

These conditions keep wages low, falling behind the cost of living. Real wages are falling at a rate we haven't seen in 14 years.

Into these tough times comes the word that 2 billion new workers, in China and India, to take the two biggest examples, are now competing with Americans for new jobs created in the global economy.

These workers are highly motivated—the poverty they are rising from, the pace of growth they can see in their cities, is a powerful incentive. Their governments are increasingly sophisticated about attracting investment and expertise from here and around the world to fuel their national economic strategies.

With these troubling trends, Americans are in no mood to accept text book platitudes about the benefits of free trade. They want to see some of the gains come home.

I am personally convinced that trade is in fact not only ultimately good for us, but inevitable. Standing at our shores, commanding the tides of trade to retreat, is not a plan for our Nation's economic future.

We fought and won a Cold War in the last century a war against a totalitarian economic ideology, to protect and project American values of political and economic freedom in the world.

Now is not the time to doubt those values. They are still the right values for us, and the right values for the citizens of other nations. Free men and women, freely exchanging goods and ideas, innovating, creating. That is the world we fought for, that is the evidence of our success.

And what is the alternative? Do we expect to close our ports to products Americans want to buy? Can we expect to successfully block American companies from seeking profitable investments overseas?

In today's world, American leadership is a reality. We cannot lead the world in the search for security but at the same time retreat economically. Trade can help cement peaceful ties, raise living standards, give desperate people hope and put idle hands to work. Trade must be part of our security strategy, or that strategy will not succeed.

If there is to be a better world ahead of us, wealthier, healthier, freer—and I

am certain that there is—then expanding international trade will be part of it. I don't think you can envision that world without expanding trade ties, expanding economic integration.

But there is no free lunch. This world comes at a cost. It comes at the cost of predictability, at the cost of stability. The economist Joseph Schumpeter called capitalism a process of creative destruction. And that it is.

The telephone replaced the telegraph, the automobile replaced the horse, supermarkets replaced mom-and-pop grocery stores. Our farms are mechanized; our manufacturing is robotized; our information is computerized. With every new idea, with every new invention, an old product, an old technology, and the jobs they sustained, are left behind.

Our Nation has become wealthy riding the waves of innovation, opportunity, efficiency, and economic growth. That, in part, is the American way.

But another part of the American way is our shared commitment to each other. With every wave of change, from agrarian nation to manufacturing power, to the world's richest economy, we have created the institutions to cope with the human costs of economic change. Child labor laws, minimum wage, the 40-hour workweek, these are evidence of our values. And we have Social Security, Medicare, unemployment insurance—all ways to share the costs and spread the burdens of a churning economy.

Most fundamentally, we have established the rights of working men and women to bargain collectively for their wages and working conditions: these things are also the American way.

When it is done right, trade makes us more efficient and more productive. With the economic gains from trade we can afford to take care of those whose jobs are lost as the new ones are created.

There is a human logic to this, a logic that says the men and women, and their families and communities, who are displaced by economic change are not to blame for their fate. They should not shoulder alone the costs of change while others reap the benefits.

There is an economic logic, as well—by compensating some for bearing the cost of change, we keep innovation and opportunity expanding for everyone.

And finally there is a political logic. When we all know that we are not alone, that there are resources we can draw on in tough times, we don't have to fight change. Without that assurance, in our open political system, those who bear the cost of change and innovation will—understandably—resist it.

If trade is ultimately good for our economy as a whole, we must make sure that it is good for American workers and their families, too.

This trade deal does not do that, and that is why I cannot support it.

I said 2 years ago that I was concerned about the lack of effective enforcement provisions for the labor standards in the Chile and Singapore trade deals, and the precedent that might set for the CAFTA negotiations. What we now call the ''Jordan standard,'' that treats labor provisions on the same terms as intellectual property and commercial provisions, allows for effective enforcement when a party fails to live up to its labor rights commitments. That effective enforcement standard is part of the Jordan Free Trade Agreement, now in effect.

But instead of building on that success, CAFTA comes to us today without that effective means of enforcement.

At a time when the political support for trade is shaky at best, with American families justifiably anxious about the volatility and insecurity just below the surface of our economy, why would we roll back the standards for labor protections in our trade deals?

It just doesn't make any sense.

I notice that there is a lot of new language in this trade agreement about labor rights in the countries of Central America and the Dominican Republic. That shows that our negotiators are getting the message about how important those provisions are to the political support we need for trade.

But instead of providing labor standards with the same level of effective enforcement that American businesses will get for their concerns, this deal leaves labor a second-class citizen.

But it is not just the specific terms of this trade deal that concern me today. If we are going to compete in today's global economy, we need a plan to protect American living standards and a plan to keep our Nation the most competitive on Earth.

We need a good defense, but we need a good offense, too.

We need a strong trade adjustment assistance program, and we need the will to enforce it. We need to make sure that health insurance, pensions, and other basic benefits are protected and portable in a changing world.

I think we should consider a real wage insurance policy that addresses not just the jobs lost by trade—in reality, trade is a small part of the churning in our economy—but any job loss that could put a family's standard of living at risk.

If we do it right—and right now we just have a small pilot program out there—wage insurance could provide real help to families in transition from one job to another and keep our labor markets open and dynamic.

But important as those kinds of protections can be, they are just playing defense. Right now, I don't see a plan for an offense, a plan for us to take on the rising competition from around the world, a plan to make American working men and women the winners.

That is going to take investments in education, in research, and in new technologies. That is going to take a commitment to making our workforce the most productive in the world, giving them the tools and the skills they need to compete. That is going to take a plan to create a new generation of good-paying jobs.

On the education front, Bill Gates has told us that our high school graduates are not up to the standards his company needs. Newt Gingrich has called the administration's lack of investment in basic research, and I quote, ''unilateral disarmament'' in the face of international competition. Those are not partisan attacks. Those are warnings we cannot ignore.

Because we don't have an adequate defense for the families who are affected by economic change, because we don't have an effective offense to win in a globalizing economy, I cannot lend my support to this trade deal. It sends the wrong message, it sets the wrong example.

The CAFTA countries themselves are no more than 1 percent of our trade. In many ways, they are not the issue here. I believe it will be good for our country if these nations can enter our markets. It will make those economies stronger, make them better neighbors, and open markets for the products made by American workers.

But only if the deal is done right. Only if we have the protections in place that can truly lift human rights, labor, and environmental standards there, and build the protections for American workers and producers here.

So I will vote against CAFTA not because I oppose trade but because I support smart trade, trade that works for American families, trade that is good for both sides.

I am afraid that more trade agreements along these lines will weaken domestic support for expanding trade. We need the full, informed consent of American citizens for trade, we need a trade agenda Americans can support, and we need to a plan to defend our standard of living here and to compete to win in the global economy.

We need to win the support of American working families for expanded trade, and restore their faith in our ability to win. Until then, trade deals like this one will just add to their worries.

Mr. BUNNING. Mr. President, I have spent many hours examining and discussing the agreement before us today.

As my colleagues know, my vote has never been a rubberstamp for trade agreements.

I take my responsibility to examine these agreements very seriously. My constituents deserve no less. In the past, I have supported trade agreements, and I have opposed trade agreements, as their merits demanded.

After long and careful thought, I have decided that I will support the agreement with Central America which is before the Senate today.

This agreement is not perfect—far from it.

The phaseout times on many of the agricultural products are too long. We should not be waiting for 10, 15, sometimes 20 years for duty-free access to

sell our farm products in these countries. It is my understanding that the protection of one particular American product was largely responsible for the negotiating situation that led to the long tariff elimination schedules for so many of our farming products.

If not for the fact that, almost without exception, the Central American countries have enjoyed duty-free access to our markets for their agricultural exports for years, these long tariff phaseout schedules might well have forced me to oppose this agreement.

The truth is, due to existing trade relationships, the various parties did not start out this trade negotiation on similar footings: We paid to export to them and they did not pay to export to us.

While this agreement absolutely does not even this relationship as quickly and fairly as I would like, it does eventually get the job done. While our farmers are often forced to wait far too long for duty-free acess, that duty-free access does eventually go into place. The opportunity for new export markets for our farmers will be—ultimately—beneficial to the folks in Kentucky, particularly the rural parts of my State.

While I have concerns about other parts of the agreement, particularly some textile issues, there are also aspects of the agreement which are especially good for Kentucky.

Important to my State of Kentucky is the treatment of the exportation of tobacco products under the agreement. I was particularly pleased to see that the report of the Agricultural Technical Advisory Committee for Cotton, Peanuts, Planting Seeds and Tobacco, which included a member of the Kentucky Farm Bureau, found the agreement to be fair regarding tobacco trade.

I was also pleased to see that this agreement immediately eliminates tariffs on bourbon and whiskeys exported from America. Furthermore, agreement for the recognition of ''bourbon'' as an exclusively Kentucky-made product is important to an industry employing over 30,000 Kentuckians.

I also want to bring the attention of my colleagues to the fact that this agreement, while obviously primarily a trade agreement, also represents an opportunity for us to show our support to a region that has come a long way in the area of democracy.

Not so long ago, most of us here will remember, democracy was not assured in this part of the world. In Central America—our own backyard—communism was a threat. The United States has worked hard over the years and we have seen the menace of communism recede and the democracies and economies of El Salvador, Guatemala, Nicaragua and Honduras begin to flourish.

We must not lose track of the message that the approval of this agreement will send to these new democracies on our doorstep. Without this agreement, the democracies we have helped build in Central America will be less prosperous in the increasingly competitive global marketplace. We must allow these fledgling democracies the access they need to compete with the overwhelming wave of Chinese imports.

It is the development of strong trade in goods and services that will help these countries to oppose a return to corrupt regimes that promote trade in illegal drugs.

We in this body have done so much to foster democracy and economic stability in Central America. The approval of DR–CAFTA is another chance for us to show our support of these democratic governments.

I have come to believe after long and careful examination, that this agreement is good for the United States and for the future of Central America. I urge my colleagues to support the agreement before us today.

The PRESIDING OFFICER. Under the previous order——

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following be the only remaining debate on the bill, in the following order: Senator SESSIONS, 10 minutes; Senator DAYTON, 5 minutes; Senator SUNUNU, 5 minutes; Senator ENSIGN, 5 minutes; Senator BAUCUS, 10 minutes; Senator GRASSLEY, 10 minutes; Senator REID from Nevada, 10 minutes; Senator FRIST, 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, how much time remains on my allocation?

The PRESIDING OFFICER. The Senator from South Dakota has 11 minutes 28 seconds.

Mr. DORGAN. Mr. President, let me reserve 5 minutes of that as well.

Mr. BAUCUS. Mr. President, I add that to the request.

The PRESIDING OFFICER. Will the Senator from Montana state where he would like that placed in the order.

Mr. BAUCUS. That would be after Ensign and before myself.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

The Senator from Colorado.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 138, H.R. 2985; I further ask unanimous consent that the committee-reported amendments be agreed to; provided further that the Lott-Dodd amendment which is at the desk be considered and agreed to, there be 5 minutes of debate equally divided between the two managers, and the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD. I further ask unanimous consent that following passage, the Senate insist on its amendments, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Aproppriations, with amendments.

(Strike the parts shown in black brackets and insert the parts shown in italic.)

H.R. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $147,120,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,181,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $582,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $290,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $4,340,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,644,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $13,758,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,470,000 for each such committee; in all, $2,940,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $728,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,524,000 for each such committee; in all, $3,048,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $354,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $20,866,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $56,700,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,584,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $37,105,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $5,437,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,306,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97–601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $119,637,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,980,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $142,000,000, which shall remain available until September 30, 2010.

MISCELLANEOUS ITEMS

For miscellaneous items, $17,000,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $350,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2005, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2005, increased by an additional $50,000 each.

SEC. 2. CONSULTANTS. With respect to fiscal year 2006, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting ''nine individual consultants'' for ''eight individual consultants''.

SEC. 3. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101–302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking ''2005'' and inserting ''2006''.

SEC. 4. SENATE COMMISSION ON ART. Section 3(c)(2) of Public Law 108–83 (2 U.S.C. 2108(c)(2)) is amended by striking ''and for any purposes'' through the period and inserting ''for any purposes for which funds from the contingent fund of the Senate may be used under section 316(a) of Public Law 101–302 (2 U.S.C. 2107(a)), and for expenditures, not to exceed $10,000 in any fiscal year, for meals and refreshments in Capitol facilities in connection with official activities of the Commission or other authorized programs or activities.''.

SEC. 5. ABSENCES. Section 40 of the Revised Statutes (2 U.S.C. 39) is amended by—

(1) striking ''Secretary of the Senate and the'';

(2) striking '', respectively, shall'' and inserting ''shall'';

(3) striking ''Senate or''; and

(4) striking '', respectively, unless'' and inserting '', unless''.

SEC. 6. MODIFICATION OF CERTAIN CONSULTANT REQUIREMENT. Section 10(a)(5) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 72d) is amended by inserting '', except that any approval (and related reporting requirement) shall not apply'' after ''May 14, 1975''.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,092,407,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $19,844,000, including: Office of the Speaker, $2,788,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,089,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,928,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,797,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,345,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $482,000; Republican Steering Committee, $906,000; Republican Conference, $1,548,000; Republican Policy Committee, $307,000; Democratic Steering and Policy Committee, $1,945,000; Democratic Caucus, $816,000; nine minority employees, $1,445,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $434,000; and Cloakroom Personnel—minority, $434,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $538,109,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $117,913,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $25,668,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $167,749,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $21,911,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $6,284,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,971,000, of which $3,306,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,991,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $161,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,767,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,963,000; for salaries and expenses of the Office of Interparliamentary Affairs, $720,000; for other authorized employees, $161,000; and for salaries and expenses of the Office of the Historian, $405,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $223,124,000, including: supplies, materials, administrative costs and Federal tort claims, $4,179,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $214,422,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $3,410,000, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such

amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2006. Any amount remaining after all payments are made under such allowances for fiscal year 2006 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,276,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,781,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,834,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,545,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

[CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

[For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,268,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

[STATEMENTS OF APPROPRIATIONS

[For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

[CAPITOL POLICE

[SALARIES

[For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $210,350,000, to be disbursed by the Chief of the Capitol Police or his designee.

[GENERAL EXPENSES

[For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $29,345,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2006 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

[ADMINISTRATIVE PROVISIONS

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2006 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

[SEC. 1002. (a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

[(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

[SEC. 1003. (a) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by inserting ''United States Capitol Police,'' after ''Architect of the Capitol,''.

[(b) The amendment made by subsection (a) shall apply with respect to reports filed under the Ethics in Government Act of 1978 for calendar year 2005 and each succeeding calendar year.

[SEC. 1004. Section 1003 of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1021), is hereby repealed, and each provision of law amended by such section is hereby restored as if such section had not been enacted into law.

[SEC. 1005. (a) During fiscal year 2006 and each succeeding fiscal year, the United States Capitol Police may not carry out any reprogramming, transfer, or use of funds described in subsection (b) unless—

[(1) the Chief of the Capitol Police submits a request for the reprogramming, transfer, or use of funds to the Committees on Appropriations of the House of Representatives and Senate on or before August 1 of the respective year, unless both such Committees agree to accept the request at a later date because of extraordinary and emergency circumstances cited by the Chief;

[(2) the request contains clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of funds;

[(3) the request contains a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until both Committees have approved the request; and

[(4) both Committees approve the request.

[(b) A reprogramming, transfer, or use of funds described in this subsection is any reprogramming or transfer of funds, or use of unobligated balances, under which—

[(1) the amount to be shifted to or from any object class, approved budget, or program involved under the request, or the aggregate amount to be shifted to or from any object class, approved budget, or program involved during the fiscal year taking into account the amount contained in the request, is in excess of $250,000 or 10 percent, whichever is less, of the object class, approved budget, or program;

[(2) the reprogramming, transfer, or use of funds would result in a major change to the program or item which is different than that presented to and approved by the Committees on Appropriations of the House of Representatives and Senate; or

[(3) the funds involved were earmarked by either of the Committees for a specific activity which is different than the activity proposed under the request, without regard to whether the amount provided in the earmark is less than, equal to, or greater than the amount required to carry out the activity.

[SEC. 1006. (a) ESTABLISHMENT OF OFFICE.—There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the ''Office''), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the ''Inspector General'').

[(b) INSPECTOR GENERAL.—

[(1) APPOINTMENT.—The Inspector General shall be appointed by the Capitol Police Board, in consultation with and subject to the approval of the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

[(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

[(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Speaker of the House of Representatives and President pro tempore of the Senate.

[(4) SALARY.—The Inspector General shall be paid at an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

[(5) DEADLINE.—The Capitol Police Board shall appoint the first Inspector General

under this section not later than 180 days after the date of the enactment of this Act.

[(c) DUTIES.—

[(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

[(2) SEMIANNUAL REPORTS.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Capitol Police Board shall be considered the head of the establishment, except that the Inspector General shall transmit to the Chief of the Capitol Police a copy of any report submitted to the Board pursuant to this paragraph.

[(3) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

[(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of the date of the enactment of this Act.

[(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

[(C) PROHIBITING RETALIATION.—An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

[(4) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

[(d) POWERS.—

[(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

[(2) STAFF.—

[(A) IN GENERAL.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

[(B) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

[(C) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

[(D) APPLICABILITY OF CAPITOL POLICE PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

[(3) EQUIPMENT AND SUPPLIES.—The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

[(e) TRANSFER OF FUNCTIONS.—

[(1) TRANSFER.—To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

[(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

[SEC. 1007. (a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

[(b) CONTENTS.—The report required by subsection (a) shall include—

[(1) the name of each person or entity who receives a payment from the Capitol Police;

[(2) the cost of any item furnished to the Capitol Police;

[(3) a description of any service rendered to the Capitol Police, together with service dates;

[(4) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

[(5) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

[(c) PRINTING.—Each report under this section shall be printed as a House document.

[(d) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

[OFFICE OF COMPLIANCE

[SALARIES AND EXPENSES

[For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,112,000, of which $780,000 shall remain available until September 30, 2007: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

[CONGRESSIONAL BUDGET OFFICE

[SALARIES AND EXPENSES

[For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $35,450,000.

[ADMINISTRATIVE PROVISION

[SEC. 1100. (a) PERMITTING WAIVER OF CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584(g) of title 5, United States Code, is amended—

[(1) by striking ''and'' at the end of paragraph (5);

[(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

[(3) by inserting immediately after paragraph (6) the following new paragraph:

[''(7) the Congressional Budget Office.''.

[(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

[ARCHITECT OF THE CAPITOL

[GENERAL ADMINISTRATION

[For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $77,002,000, of which $350,000 shall remain available until September 30, 2008.

[CAPITOL BUILDING

[For all necessary expenses for maintenance, care, and operation of the Capitol, $22,097,000, of which $6,580,000 shall remain available until September 30, 2008.

[CAPITOL GROUNDS

[For all necessary expenses for care and improvement of grounds surrounding the

Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,723,000, of which $740,000 shall remain available until September 30, 2008.]

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,098,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $222,600,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $42,000,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2005 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2006 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE AND TRANSFER OF LIBRARY OF CONGRESS POLICE. (a) LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE.—Section 1006(b)(3) of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1023), as amended by section 1002 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1901 note; Public Law 108–447; 118 Stat. 3179), is further amended by adding after subparagraph (D), the following:

''(E) LIMITATION FOR FISCAL YEAR 2006.—During fiscal year 2006, the number of individuals hired under this subsection may not exceed—

''(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2005 for whom a corresponding hire was not made under this subsection; and

''(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2006.''.

(b) MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect through fiscal year 2006, subject to such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,112,000, of which $780,000 shall remain available until September 30, 2007: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $35,853,000.

ADMINISTRATIVE PROVISION

SEC. 1100. WAIVER OF CERTAIN CLAIMS. Section 5584(g) of title 5, United States Code, (relating to the definition of an agency) is amended—

(1) by redesignating paragraph (6) as a paragraph (7);

(2) by striking ''and'' at the end of paragraph (5);

(3) by inserting after paragraph (5) the following:

''(6) the Congressional Budget Office; and''; and

(4) in the last sentence, by striking ''paragraph (6)'' and inserting ''paragraph (7)''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $76,522,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care, and operation of the Capitol, $25,380,000, of which $10,055,000 shall remain available until September 30, 2010.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,061,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $67,004,000, of which $15,745,000 shall remain available until September 30, 2010.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $59,616,000, of which $20,922,000 shall remain available until September 30, 2008.

[CAPITOL POWER PLANT

[For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $58,585,000, of which $1,592,000 shall remain available until September 30, 2008: *Provided,* That not more than $6,600,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

[LIBRARY BUILDINGS AND GROUNDS

[For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $31,318,000, of which $6,325,000 shall remain available until September 30, 2008.

[CAPITOL POLICE BUILDINGS AND GROUNDS

[For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $16,830,000, of which $5,500,000 shall remain available until September 30, 2008.

[BOTANIC GARDEN

[For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $7,211,000: *Provided,* That this appropriation shall not be available for construction of the National Garden: *Provided further,* That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care, and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

[CAPITOL VISITOR CENTER

[For an additional amount for the Capitol Visitor Center project, $36,900,000, to remain available until expended: *Provided,* That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

[ADMINISTRATIVE PROVISIONS

[SEC. 1201. (a) Section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849), is amended—

[(1) in subsection (b), by striking ''8 positions'' and inserting ''10 positions''; and

[(2) in subsection (c), by striking ''4 positions'' and inserting ''2 positions''.

[(b) The amendments made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

[SEC. 1202. (a) Section 905 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (2 U.S.C. 1819) is amended—

[(1) by redesignating subsection (d) as subsection (e); and

[(2) by inserting after subsection (c) the following new subsection:

[''(d) In the case of a building or facility acquired through purchase pursuant to subsection (a), the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b).''.

[(b) The amendments made by subsection (a) shall apply with respect to leases entered into on or after the date of the enactment of this Act.

[SEC. 1203. (a) There is hereby established the Capitol Visitor Center Governing Board (hereafter in this section referred to as the ''Governing Board''), consisting of each of the following individuals:

[(1) The Speaker of the House of Representatives, or the Speaker's designee.

[(2) The minority leader of the House of Representatives, or the minority leader's designee.

[(3) The majority leader of the Senate, or the majority leader's designee.

[(4) The minority leader of the Senate, or the minority leader's designee.

[(5) The chairman of the Committee on House Administration of the House of Representatives, who shall serve as co-chairman of the Governing Board.

[(6) The ranking minority member of the Committee on House Administration of the House of Representatives.

[(7) The chairman of the Committee on Rules and Administration of the Senate, who shall serve as co-chairman of the Governing Board.

[(8) The ranking minority member of the Committee on Rules and Administration of the Senate.

[(b) The Governing Board shall be responsible for establishing the policies which govern the operations of the Capitol Visitor Center, consistent with applicable law.

[(c) This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

[LIBRARY OF CONGRESS

[SALARIES AND EXPENSES

[(INCLUDING RESCISSION)

[For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $388,144,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $11,078,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the amounts made available under this heading in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–194), $15,500,000 is rescinded.

[COPYRIGHT OFFICE

[SALARIES AND EXPENSES

[For necessary expenses of the Copyright Office, $58,601,000, of which not more than $30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,465,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $35,946,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program.

[CONGRESSIONAL RESEARCH SERVICE

[SALARIES AND EXPENSES

[For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $99,952,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

[BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

[SALARIES AND EXPENSES

[For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $54,049,000, of which $15,831,000 shall remain available until expended.

[ADMINISTRATIVE PROVISIONS

[SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

[SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,943,000.

[(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

[(c) TRANSFER OF FUNDS.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''LIBRARY OF CONGRESS'' under the subheading ''SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

[SEC. 1303. UNITED STATES DIPLOMATIC FACILITIES.—Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

[SEC. 1304. (a) Section 208 of the Legislative Branch Appropriations Act, 1996 (Public Law 104–53; 109 Stat. 532), is hereby repealed.

[(b) The amendment made by this section shall take effect on the date of the enactment of this Act or October 1, 2005, whichever occurs earlier.

[GOVERNMENT PRINTING OFFICE

[CONGRESSIONAL PRINTING AND BINDING

[(INCLUDING TRANSFER OF FUNDS)

[For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,090,000 (reduced by $5,400,000): *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

[OFFICE OF SUPERINTENDENT OF DOCUMENTS

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $33,337,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

[GOVERNMENT PRINTING OFFICE REVOLVING FUND

[For payment to the Government Printing Office Revolving Fund, $1,200,000 for workforce retraining. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107–202.

[GOVERNMENT ACCOUNTABILITY OFFICE

[SALARIES AND EXPENSES

[For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $482,395,000: *Provided*, That not more than $5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That not more than $2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

[PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

[For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,000,000.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $58,817,000, of which $1,600,000 shall remain available until September 30, 2010: Provided, That not more than $6,500,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $70,948,000, of which $42,950,000 shall remain available until September 30, 2010.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $10,031,000.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $7,633,000: Provided, That this appropriation shall not be available for construction of the National Garden: Provided further, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care, and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $41,900,000, to remain available until expended, and in addition, $2,300,000 for Capitol Visitor Center operation costs: Provided, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committee on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 1201. EXECUTIVE DIRECTOR OF THE CAPITOL VISITOR CENTER. The Architect of the Capitol may appoint an Executive Director of the Capitol Visitor Center whose annual rate of pay

shall be determined by the Architect of the Capitol and shall not exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $397,285,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, $13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $4,000,000 shall remain available until expended for the digital collections and school curricula program under section 1305 of this Act: Provided further, That of the total amount appropriated, $600,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $12,085,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, $250,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text: Provided further, That no funds made available under this heading may be expended inconsistently with the provisions and intent of section 1006 of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83), as amended, and the memorandum of understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office and the new Copyright Royalty Judges program, $57,322,000, of which not more than $30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $4,141,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,622,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $101,755,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $64,172,000, of which $25,667,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,943,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''LIBRARY OF CONGRESS'' under the subheading ''SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194) is amended in the first proviso under the subheading ''SALARIES AND EXPENSES'' under the heading ''LIBRARY OF CONGRESS'' in chapter 9 of division A by adding at the end '', except that an amount not to exceed $25,000,000 of such additional $75,000,000 shall remain available until expended and may be used for competitive grants to State governmental entities, without regard to any matching contribution requirement, to work cooperatively to collect and preserve at-risk digital State and local government information''.

SEC. 1304. UNITED STATES DIPLOMATIC FACILITIES. Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

SEC. 1305. INCORPORATION OF DIGITAL COLLECTIONS INTO SCHOOL CURRICULA. (a) SHORT TITLE.—This section may be cited as the ''Library of Congress Digital Collections and School Curricula Act of 2005''.

(b) PROGRAM.—The Librarian of Congress shall administer a program to teach educators and librarians how to incorporate the digital collections of the Library of Congress into school curricula.

(c) EDUCATIONAL CONSORTIUM.—In administering the program under this section, the Librarian of Congress may—

(1) establish an educational consortium to support the program; and

(2) make funds appropriated for the program available to consortium members, educational institutions, and libraries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,090,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with

section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $33,837,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $5,000,000 for workforce retraining: Provided, That the Government Printing Office may make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107–202.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $484,383,000: Provided, That not more than $5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: Provided further, That not more than $2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $14,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2006 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 209. COMPENSATION LIMITATION.—None of the funds contained in this Act or any other Act may be used to pay the salary of any officer or employee of the legislative branch during fiscal year 2006 or any succeeding fiscal year to the extent that the aggregate amount of compensation paid to the employee during the year (including base salary, performance awards and other bonus payments, and incentive payments, but excluding the value of any in-kind benefits and payments) exceeds the annual rate of pay for a Member of the House of Representatives or a Senator.]

SEC. 209. COMPENSATION LIMITATION. Legislative branch appropriations are not available to pay the salary of any officer or employee to the extent that the aggregate amount of compensation (including base salary, awards, bonus incentives, excluding in-kind compensation) exceeds the annual rate for a Senator or Member unless the applicable entity head has certified that the entity has a performance appraisal system which (as designed and applied) makes meaningful distinctions based on relative performance consistent with the criteria established pursuant to 5 U.S.C. 5307(d)(3)(A). Each entity head shall recertify its performance appraisal system (bi-annually in accordance with 5 U.S.C. 5307(d)(3)(B)). Entities with such certified appraisal systems may pay total annual compensation up to the amounts Executive branch personnel subject to certified performance appraisal systems may receive.

[TITLE III—CONTINUITY IN REPRESENTATION

[SEC. 301. Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

[(1) by striking ''The time'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), the time''; and

[(2) by adding at the end the following new subsection:

[''(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

[''(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

[''(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

[''(A) a regularly scheduled general election for the office involved is to be held; or

[''(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

[''(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

[''(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

[''(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

[''(4) EXTRAORDINARY CIRCUMSTANCES.—

[''(A) IN GENERAL.—In this subsection, 'extraordinary circumstances' occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

[''(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

[''(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

[''(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

[''(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

[''(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

[''(5) PROTECTING ABILITY OF ABSENT MILITARY AND OVERSEAS VOTERS TO PARTICIPATE IN SPECIAL ELECTIONS.—

[''(A) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

[''(B) PERIOD FOR BALLOT TRANSIT TIME.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

[''(6) APPLICATION TO DISTRICT OF COLUMBIA AND TERRITORIES.—This subsection shall apply—

[''(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

[''(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

[''(7) RULE OF CONSTRUCTION REGARDING FEDERAL ELECTION LAWS.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

[''(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

[''(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

[''(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

[''(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

[''(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

[''(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

[''(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.''.]

This Act may be cited as the ''Legislative Branch Appropriations Act, 2006''.

Mr. ALLARD. Mr. President, I am proud to present to the Senate the Appropriations Committee's recommendations for fiscal year 2006 Legislative Branch appropriations, H.R. 2985. I would like to thank Senator DURBIN, ranking member of the subcommittee, for his full cooperation in crafting the legislation. Under our recommendation, funding for the legislative branch would total $3.83 billion in budget authority and $3.84 billion in outlays. This is $230 million above the FY05 enacted level and a reduction of $194 million below the request. While there are very few programmatic increases in the bill, funding is sufficient to maintain current operations in all agencies. Significant increases above the fiscal year 2005 budget are recommended in only a few areas, such as funding to complete the Capitol Visitor Center.

Highlights of the bill include funding of $264.6 million for the Capitol Police, which will enable the Capitol Police to maintain its current staffing level of 1,592 police officers and ensure appropriate levels of security for the Capitol complex.

The recommendation also includes $427 million for the Architect of the Capitol, including $42 million for Capitol Visitor Center construction and $2.3 million for initial operational costs of the CVC. The Architect believes this amount will be sufficient to complete the CVC construction.

Also within the AOC budget is storage modules for the Library of Congress at Ft. Meade, totaling $40.7 million. While this is an expensive project, it is critically needed to take care of burgeoning storage requirements at the Library.

For the Library of Congress, funding would total $580 million, including funding for the Library's highest priorities such as the new National Audio-Visual Conservation Center and Congressional Research Service enhancements. A total of $9.8 million would be included for the Books for the Blind digital talking book, as a ''downpayment'' on the $75 million effort to replace the current cassette playback system with digital ''flash memory'' technology.

Funding for the GPO would total $126.9 million, including $5 million to retrain staff for the new digital environment; the Government Accountability Office would receive $484 million, and the Open World Leadership Program would be funded at the budget request level of $14 million.

Funding and language pertaining only to the House remains as passed by the House, pursuant to the normal protocol of comity between the two bodies.

This is a non-controversial and lean bill that meets the most important needs of the Congress and its support agencies, and I urge my colleagues to support the bill.

Before closing, I would like to thank the staff who have been involved in this bill. Senator DURBIN's staff, Nancy Olkewicz, Drew Willison and Pat Souders, and my own staff, Lance Landry, Carrie Apostolou, and Christen Taylor.

Mr. ENSIGN. Mr. President, I thank the chairman for taking the time to engage in a colloquy to discuss a program funded in the Legislative Branch appropriations measure that is important to many Nevada educators.

In this bill, the Library of Congress is slated to receive $4 million for continued development of the Adventure of the American Mind program. AAM facilitates the incorporation of digital collections into school curricula. AAM provides teacher training so they can learn how to use primary resources in their classroom instruction. I think it is important to give educators and students—regardless of where they live—access to what the Librarian of Congress, Dr. James Billington, calls ''the world's largest repository of knowledge.'' I commend the chairman for his support for AAM.

I know that he is aware of two Nevadans who have performed extensive work to develop AAM. I am proud of my constituents. George and Carolyn Breaz of Las Vegas have traveled all over the country to train teachers in the five States that participate in the AAM Consortium. I believe it is through an oversight that my State of Nevada was not included as a member of the consortium. It was perhaps my staff's oversight for not communicating my support for Nevada's participation to the previous chairman, Senator Campbell, during the expansion of this AAM consortium.

I think that participation in AAM should be based on merit. I am not asking for special treatment for Nevada. Some states may get special treatment. I don't know. I do know that Mr. and Mrs. Breaz have worked hard to get this program to where it is today, and I believe that taxpayers have a right to expect that technical experts are developing AAM. The Breazes were quite devastated when they were not invited to participate in the AAM consortium, particularly given the amount of work they devoted for the past 5 years.

It is my understanding that the chairman and his staff will advocate Nevada's participation in this important project, whether it is through a legislative or administrative solution, prior to the Legislative Branch appropriations bill becoming law. Is this correct?

Mr. ALLARD. Yes, that's correct.

Mr. ENSIGN. Thank you for your support and for your personal commitment to be as helpful as possible. I appreciate very much your assistance and the hard work of your staff.

Mr. DURBIN. Mr. President, I first congratulate Chairman ALLARD for successfully crafting his first Legislative branch appropriations bill. It has been a pleasure working through this process with him and I thank him for his leadership. He has done an exceptional job.

The Fiscal Year 2006 Legislative branch appropriations bill we are considering today is comprehensive, thorough, and fair. I want to thank Chairman COCHRAN for providing us with an allocation which has allowed us to adequately fund the agencies that support the Legislative branch, such as the Capitol Police, the Government Accountability Office, the Library of Congress, and the Architect of the Capitol.

The bill we are presenting today provides funding to support the Capitol Police at the current staff level of 1,592 officers and 411 civilian staff, along with anticipated cost-of-living adjustments and estimated overtime requirements. The bill also provides funding for 14 new officers for the Capitol Visitor Center. I believe it is critical that we provide adequate funding to support the men and women who put their lives on the line to protect us every day. Our bill does that.

The House Legislative branch bill made some painfully deep cuts to some of our support agencies, particularly the Capitol Police, so we will have a real challenge to face during conference.

This bill provides funding to the Architect of the Capitol to complete construction of the Capitol Visitor Center. I thank Chairman ALLARD for his diligence in holding monthly hearings to monitor the progress of the CVC. These hearings have been very useful and informative to the members of the subcommittee and have allowed us to make the best of a very challenging situation.

I thank Chairman ALLARD for including funding for several projects which are very important to the State of Illinois—the Abraham Lincoln Bicentennial Commission and the Adventures of the American Mind. I am also happy to note that a legislative provision is included in this bill which provides permanent authorization for a program within the Library of Congress, the Digital Collections into School Curricula Act of 2005, which is patterned after the Adventures of the American Mind program.

Finally, I thank Carrie Apostolou, Fred Pagan, and Christen Taylor of the majority staff, and Terry Sauvain, Drew Willison, and Nancy Olkewicz of the minority staff for their help on this bill.

Mr. DODD. Mr. President, this amendment No. 1082 provides $800,000 for the NFB–NEWSLINE Service in the Books for the Blind and Physically Handicapped program in the Library of Congress as a provision of H.R. 2985, the Legislative Branch Appropriations Act for fiscal year 2006.

The NFB–NEWSLINE service is a telephone-based electronic audio newspaper service developed by the National Foundation of the Blind, NFB. The Service ensures that newspapers are directly accessible to blind readers at the same time when print publications are released.

In 1931, Congress established a national Books for the Blind program within the Nation's premier library, the Library of Congress, to be administered by the National Library Service for the Blind and Physically Handicapped, NLS. The Books for the Blind program continues to be the principal source of Braille and audio books and magazines for blind adults. At present, NFB–NEWSLINE offers over 150 newspapers and magazines daily.

The ultimate goal of the Service is to ensure that blind-patrons have the same opportunity for access to daily newspapers as sighted-patrons. The following statistics support the need: Approximately 57,000 blind Americans are enrolled in elementary, secondary or post-secondary education programs. NFB–NEWSLINE helps them be more informed about current events. Approximately 300,000 blind Americans are of working age. NFB–NEWSLINE supports them in numerous employment activities. Approximately 700,000 blind Americans are seniors, age 65 and older. NFB–NEWSLINE helps them keep up with current events in their community.

In 2001, Congress first appropriated funding to establish the NFB–NEWSLINE service in the Omnibus Consolidated Appropriations Act. Congress subsequently appropriated funds in two Legislative Branch appropriations bills to pay the telecommunications costs for the electronic service. The annual telecommunications costs, including inflation adjustments, are approximately $850,000.

Telecommunications service is the only cost for which a regular and continuing appropriation is needed from the Federal Government. Ongoing operation of the Service is paid for by State sponsors, including public libraries and rehabilitation agencies, to help defray the telecommunications costs associated with the dissemination of audio information to eligible individuals.

Many of you know that equal access for persons with disabilities has long been a personal and family goal. My sister is an American with a disability. She is a member of the National Foundation of the Blind.

The current appropriation will be expended at the end of 2005, making it essential to provide funding in fiscal year 2006. The funding level of $800,000 will ensure that the Service continues in fiscal year 2006 and that all persons with disabilities will continue to have equal access to information.

The PRESIDING OFFICER. The committee-reported amendments are agreed to.

The Lott-Dodd amendment No. 1082 is agreed to.

The amendment is as follows:

AMENDMENT NO. 1082

(Purpose: To provide funds for the Librarian of Congress to pay telecommunications costs for rapid dissemination of periodicals and daily newspapers available to blind and physically handicapped readers)

On page 60, line 10, after ''expended'' insert ''and of which $800,000 shall be available to the Librarian of Congress to pay telecommunications costs for eligible readers to have interstate toll free access to electronic editions of periodicals and newspapers, disseminated in specialized audio and electronic text formats from a multi-State nonprofit source which obtains content from publishers for free distribution to blind and physically handicapped readers in a minimum of 20 States.''.

The PRESIDING OFFICER. The bill is read a third time and passed. The motion to reconsider is laid upon the table. The Senate insists on its amendments and requests a conference with the House, and the Chair appoints the following conferees: Senators ALLARD, DEWINE, COCHRAN, STEVENS, DURBIN, JOHNSON, and BYRD.

(The bill will be printed in a future edition of the RECORD.)

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 10 minutes.

Mr. SESSIONS. Mr. President, I congratulate my colleague Senator ALLARD on his ability to move that legislation so rapidly. It makes you wonder maybe if we could do more things around here that way.

My colleague from North Dakota raises a concern about trade deficits. This is something I have worried about, too. A lot of people seem less concerned than we, but it does bother me.

There is some good news out there. We are getting jobs outsourced to our country. Alabama just had a number of good news items. Our Mercedes, Daimler-Chrysler plant has doubled its employees to 4,000. Honda just doubled its plant in Alabama to 4,000. Hyundai, a South Korean company, just rolled out its first new automobile in a plant that will have 4,000 employees and 7,000 employed by suppliers who provide parts and components. Toyota has some 600 in the state as well. Austal, an Australian company, is building ships in Alabama. I don't know exactly how trade works. I am not able to comprehend it all. Sometimes it works good for you, and sometimes it doesn't.

I am not religious about free trade. I think there are some people who have it in their heads that if we have free trade, there will be peace in the world and cancer will be cured and there will be no problems left. That is not exactly so.

But trade is good. The more we trade, the better we get along, the more prosperity that appears to exist. In my home State, unemployment continues to fall and is now below 4.5 percent. It has been falling regularly. I am not able to explain exactly why, because we are losing textile jobs. But high-paid automotive jobs are coming in large numbers. That is playing a good part in our advancement.

I have been concerned about this CAFTA agreement. I had not made up my mind about how to vote on it. I have voted for some trade agreements and against other trade agreements. I think we should look at these agreements and see if it is a good deal or not. I had a particular concern on the question of socks. Fort Payne, Alabama, is known as the sock capital of the world. It is also the hometown of the great singing group, Alabama. There are many wonderful people there that are concerned about CAFTA. I spoke with one of them today about his concerns.

I also met with Secretary of Commerce Gutierrez and spoke with Trade Representative Portman today to discuss my concerns with them. I now feel much better about our ability to address them. They have indicated to me they understand the problem. They are concerned about it, and the Administration will look for meaningful opportunities to be helpful in ways that can make a difference for our sock industry. I feel a lot better about that question.

Looking at the matter as a whole, this is not a large agreement. There exists about a $31 billion trade relationship between the United States and the six CAFTA countries. That is, in the scheme of things, not large. We have an almost balanced trade relationship with these countries now. Without this agreement, when we ship domestically manufactured goods to these countries, they face a much higher tariff than when those countries ship goods to us. So if we execute this trade agreement, clearly more barriers will go down in those countries than in the United States. The experts tell us that under these circumstances, we should certainly move to a trade surplus with these countries. That is good. If we are concerned about a trade deficit, we ought to vote for things that might help us go to a trade surplus.

The picture worldwide, however, is not so good. Looking at our trade with the United Kingdom, Germany, and France, one sees a $140 billion trade relationship. And we have a $65 billion trade deficit with those countries. Look at China. We have a $231 billion trade relationship with that country including a $160 billion trade deficit. Look at Mexico and Canada, the NAFTA countries. We have a $266 billion trade relationship with Mexico and a $445 billion trade relationship with Canada—$711 billion with just those two countries—with a trade deficit of $110 billion.

The CAFTA nations are small countries by comparison. They want to progress. They are young democracies. They are our neighbors south of us—many virtually directly south of my hometown of Mobile, Alabama. And they are good people. They have been friends to the United States. Any trade deficit is a concern, I acknowledge, but I would also point out that the proposed agreement with these countries would likely convert it into a surplus.

As you look at trade and the relationships we have with these countries, it is also important that we look at our national security interests.

First, I believe this trade agreement will move us into an enhanced trade relationship with these six countries. That enhanced trade relationship will move us from a deficit to a surplus, and it will increase trade between our countries, and that will be good for all of us. I am convinced it is good economics.

Second, and very importantly, these are our allies and friends. Let me ask you: how have they proven their friendship? I point out that every one of these six countries supported our efforts in Iraq. Four of them sent troops to Iraq. Four of these countries we are seeking to have a level trade agreement with have actually sent troops to Iraq. Is that true with Mexico, France, Canada, Germany, or China? I submit to you that it is not. These CAFTA countries are our friends and neighbors with whom we have a balanced trade relationship. If we pass this bill, we can even move to a surplus.

Mr. President, I think it makes good economic sense. It makes good sense in terms of national security. Let me just say one other thing, quite frankly. One reason our trading relationship has not been as productive with Mexico and other Latin American countries as some had predicted, I think, is because of the incredible surge of imports from China. China got out ahead and they are moving forward and they are very aggressive. We ought to take what steps we can, without hesitation, in my view, to make ourselves, our neighbors, our friends, and our allies more able to compete on a level playing field with China. Why would that not be a good thing? I think it would be a good thing.

Mr. President, there are a number of considerations that I have evaluated as I have considered this trade agreement. I am convinced that compared to most of them, if not all of them, this is probably the most worthwhile trade agreement we have had presented to us. I think we ought to ratify it and establish a closer bond and partnership with these countries, our friends and neighbors. It will be good for our economy and our national security.

I yield back such time as I have remaining.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I thank the Senator from Montana for making the time available. I will be brief. In addition to what I said earlier today, I want to reference representations that have been made since then. It is hard for anyone listening, and even for a Member watching these proceedings, to separate the facts from all of the claims and descriptions that are being presented.

Unfortunately, in complicated issues like this, even experts can reach different conclusions. So it is not surprising that Senators can reach different conclusions—often from different information or different interests from the people we represent. I find it less understandable or acceptable when I hear mischaracterizations of the expressed positions of other affected Americans. If somebody here or anybody else chooses to try to convince people that what is not good for them is what they should believe is good for them, I will disagree, but I won't object to that undertaking.

I do object, however, when the actual statements or the official positions by individuals or organizations are not accurately represented, especially ones being made as currently as today or yesterday. So I want the official public record of this debate to record accurately the positions on DR–CAFTA that have been taken by the American

sugar industry in general and Minnesota's sugar beet farmers and workers in particular.

A public statement issued today by the Red River Valley Sugarbeet Growers Association and major Minnesota sugar beet cooperatives on behalf of the State of Minnesota's sugar industry stated in part:

. . . and we remain convinced that a vote for CAFTA, based on a short-term fix, places Minnesota's 20,000 sugarbeet farmers and workers at risk.

Plain and simple: No deal was brokered that addresses our concerns with CAFTA. And there appears to be no interest by the U.S. Department of Agriculture or the U.S. Trade Representative's office to find a long-term comprehensive solution.

Our jobs, farms, factories, and way of life are on the line. It's our livelihoods that hang in the balance of the CAFTA vote, and we know what's best for us.

The administration's proposal to ''fix sugar'' is unsustainable. It will not protect our jobs or Minnesota's rural economy because CAFTA is a permanent trade agreement.

The men and women of Minnesota's sugar industry remain adamantly opposed to CAFTA.

Mr. President, I ask unanimous consent that the full statements by the Minnesota organizations, plus the American Crystal Sugar Company letter and the American Sugar Alliance release be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. DAYTON. Mr. President, plain and simple, the Bush administration is trying to make temporary side deals that run contrary to the actual DR–CAFTA treaty to get the votes necessary to pass it. With the sugar industry, the Secretary of Agriculture just yesterday announced his own farm program, with no congressional hearings or review, to be paid for with tax dollars, at his entire and sole discretion. It is, frankly, such an ill-considered, ill-designed, uneconomical and improper program that if any member of the Senate Agriculture Committee on which I serve introduced it, I think we would be run out of the room. If any Member on the floor introduced it, I think it would be defeated overwhelmingly by a vote. Yet it is supposed to be sweetening this agreement and making it palatable to pass tonight. The Secretary will buy U.S. sugar and convert it to ethanol for no good reason, or economical reason, except to get this agreement passed in the Senate.

To their credit, the Minnesota sugar beet farmers, workers, and industry leaders are not buying this boondoggle. They know it is a bad deal for them. It is a bad deal for the U.S. agricultural economy, the ethanol industry, and the American taxpayers. It is claimed to be for them, but they don't want it. It is claimed to be good for them, but they know it is not. It shows, however, an administration that is so determined, and perhaps desperate, to get what it wants—even though it is not what is best for America—that they will make the agreement even worse, at American taxpayer expense, with these kinds of side agreements and deals that should be rejected by the Senate.

I yield the floor.

EXHIBIT 1

CAFTA VOTE CRITICAL TO SUGAR INDUSTRY'S FUTURE

In response to the upcoming U.S. Senate vote on the Central America Free Trade Agreement (CAFTA), the Minnesota sugar industry release the following statement (supported American Crystal, Minn-Dak Farmers Cooperative, Red River Valley Sugarbeet Growers Association and Southern Minnesota Beet Sugar Cooperative):

''The sugar industry has said throughout the debate on CAFTA that the agreement presents our industry with short-term and long-term problems. In the last few days an effort was made to provide a short-term fix. Friends do sometimes disagree, and we remain convinced that a vote for CAFTA, based on a short-term fix, places Minnesota's 20,000 sugarbeet farmers and workers at risk.

''Plain and simple: No deal was brokered that addresses our concerns with CAFTA. And, there appears to be no interest by the U.S. Department of Agriculture or the U.S. Trade Representative's office to find a long-term comprehensive solution.

''Our jobs, farms, factories, and way of life are on the line. It's our livelihoods that hang in the balance of the CAFTA vote, and we know what's best for us.

''The Administration's proposal to 'fix sugar' is unsustainable. It will not protect our jobs or Minnesota's rural economy because CAFTA is a permanent trade agreement.

''The men and women of Minnesota's sugar industry remain adamantly opposed to CAFTA. We will continue to send the message to Minnesota's lawmakers to vote against it.''

The Senate is expected to vote today. A House vote is likely to occur before August.

JUNE 30, 2005.

Hon. MARK DAYTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR DAYTON: Thank you for your strong support of the Minnesota sugarbeet industry. Your understanding of the threat to the sugar industry from regional and bilateral trade agreements like CAFTA is sincerely appreciated.

Despite rumors and conjecture that recent discussions between some Members of Congress and the Administration have resolved the sugar industry's concern over the CAFTA, American Crystal Sugar Company remains firmly opposed to the trade agreement. We respectfully ask that you maintain your strong opposition.

Sincerely,
KEVIN PRICE,
Director of Government Affairs,
American Crystal Sugar Company.

LAST-DITCH EFFORTS FOR SUGAR DEAL FAIL

WASHINGTON.—Sugar industry leaders remained steadfast in their opposition yesterday to the Central America Free Trade Agreement (CAFTA). They rejected a repackaged, short-term offer from Administration officials, who are seeking to drum up last-minute support for the controversial trade deal, which faces stiff opposition in Congress.

''There is no deal, and it's obvious that there will be no deal,'' said Terry Jones, a Wyoming sugarbeet farmer and president of the American Sugarbeet Growers Association. ''We have said all along that we need a long-term solution to our problems with CAFTA and other trade agreements. What we were presented yesterday was virtually the same short-term proposal we'd already rejected.''

Once again, the Administration presented a concept to pay foreign countries not to send America unneeded sugar for two years. The only difference to the proposal was the promise to perform a study to examine the viability of a sugar ethanol program.

The Administration said this was the final offer and that conversations would not continue. A reasonable and comprehensive plan presented by sugar producers two weeks ago was rejected by the Administration.

''We are very appreciative of the members of Congress who have spent so much of their time and energy looking for a comprehensive solution to our CAFTA concerns,'' said Fritz Stein, a Florida cane grower for the Sugar Cane Growers Cooperative of Florida. ''We hope they understand why sugar farmers oppose this deal. And, we hope they'll cast an emphatic NO when they vote on CAFTA.''

''A farmer-owned factory in Oregon recently stopped processing sugarbeets because of unneeded imports to the U.S. market,'' said beet farmer Perry Meuleman, who is also president of the Idaho Sugarbeet Growers Association. ''This same scene is playing out across the country, people are losing jobs, and CAFTA on top of NAFTA, just exacerbates the problem. It's time for Congress to open its eyes to the pain trade agreements are causing and put a stop to it.''

The American Sugar Alliance vowed to work night and day to defeat the trade pact.

Religious groups; numerous states government; trade unions; small businesses; national farm associations; various textile interests; environmental groups; and Latin American human rights organizations are just a few of the groups that join sugar farmers in calling for the swift and sound defeat of CAFTA.—American Sugar Alliance, June 29, 2005.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 5 minutes.

Mr. SUNUNU. Mr. President, in discussing this trade bill earlier today, and throughout the day, I think a lot of mention has been made of specific firms—firms that over the past number of years have been affected by international trade. There was a list on the floor that included companies such as Levi's and Fruit of the Loom. That is a fact. These companies have been affected. They are eligible for the Trade Adjustment and Assistance Program, and that is one of the challenges of the job that we do as elected representatives. We see firms in States grow, but we also see them have to deal with challenges of competition, both domestic and international competition.

In New Hampshire, my home State, we have had an electronics firm that saw its plastic molding jobs go to Mexico. But even more recently, we have seen a firm that did meat processing lose 500 or 600 jobs to some Midwestern States. So we see competition not just from overseas but domestically as well.

At the same time, we cannot lose sight of the jobs that are created. Over the past year, I think 2.5 million jobs have been created in the United States. Over the last decade, it is a significantly greater number than that. It

has been in areas like software, pharmaceuticals, and financial services—significant, value-added, high-paying jobs.

That brings me back to the very basic question of why we even trade in the first place. We trade, and I support expanding opportunities for trade and knocking down barriers to trade because it creates opportunities for consumers. It gives our consumers in America the opportunity and the freedom to buy the products they want, to purchase the goods and services that they want to choose. It gives them access to products and services that they would not otherwise have. It is good for American consumers, and it is good for our economy. It gives firms, large and small, in a similar way access to cheaper, affordable goods and services, and trade allows American individuals, American companies to focus on what we do best, thereby improving our productivity here at home.

We want trade to be fair. Everyone talks about fair trade. If we look at the tariffs that exist today—this is a small card that was prepared by the chairman of the Finance Committee, but it highlights what we pay now in tariffs of products coming into the United States: 10 percent, 16 percent, 11 percent, 12 percent on products such as petroleum or chemicals, metals and metal products, motor vehicles and parts. We pay 10, 12 or 15 percent in tariffs, and the countries that are affected by this agreement today pay zero. We pay 10 or 12 percent, they pay zero. What this trade agreement will do is knock that tariff that U.S. companies and consumers pay down to zero on all the products I just mentioned. That is why this is a step in the right direction. That is why an agreement such as this that lowers tariffs benefits consumers, creates a stronger global economy, but perhaps most important of all is good and right for the U.S. economy.

I am very pleased to support S. 1307. I know it is very difficult for the chairman and the ranking member of the Finance Committee to move something like this through their committee, but I appreciate their work and congratulate them for their work and urge my colleagues to support it.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I believe the previous order had the Senator from Nevada going next.

Mr. BAUCUS. That is correct.

The PRESIDING OFFICER. The Senator is correct. The Senator from Nevada is not here.

Mr. BAUCUS. Mr. President, I suggest the next speaker be the Senator from North Dakota and as soon as the Senator from Nevada arrives, he follows the Senator from North Dakota, if he is here on time.

Mr. DORGAN. I would sooner follow the Senator from Nevada by the accepted order.

The PRESIDING OFFICER. Will the Senator restate what he said?

Mr. DORGAN. Mr. President, we have an order that is established. My understanding is that the Senator from Nevada is to speak next; is that correct?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. The Senator from Nevada sleeps on his rights if he is not here.

The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I wonder if you might want to further disclose what ''sleeping on one's rights'' means? Ignore the question. We will all assume the Senator from Nevada is awake, just not here.

I heard the discussions tonight about Central America. Earlier this evening, I heard about the need to help Central America. I have traveled to, I think, all the countries involved. I have a great affection for the people of Central America. I also have great affection for a Central America that I would define—North Dakota, South Dakota, Minnesota, Iowa. We call that central America. I am very interested in Central America south of our border but most especially here. The question is, Will this advance the interests of Central America and America?

My colleague just described how this provides new opportunities. It is interesting, I have been here through all of the trade agreements, I believe, all the recent trade agreements in the last 15 years or so. I don't know that there are any new speeches, and that perhaps includes mine. They just dust off the old speeches: This means new opportunity. You show them it did not mean new opportunity, it meant less opportunity. They say: No, no, you don't understand, this means new opportunity. It is like a script—a bad script, to be sure, but a script. So away we go again.

I fear I know the results of the debate tonight. I have great respect for the Senate. The vote we will commence following all of the speakers I assume will provide, once again, a victory for the President's efforts to get this CAFTA agreement passed. The reason I know that is likely to be the case is because I have sat here and counted the number of times I heard my colleagues stand up and say: They promised, they promised, they promised me this, they promised me that, they promised me the other thing.

I am thinking we do not learn about promises, either. None of these promises mean a thing, not a whit. We heard them all, we have seen them all, and as soon as the vote is taken tonight, I say to those with their blue suits and their pride having extracted these wonderful promises, go to the front steps of the White House and then just speak into the wind and understand that you did not get anything. What you got was a vote. You were persuaded to vote for a trade agreement that is exactly as it is written. Side agreements mean nothing; promises mean nothing. They got your vote, they got the trade agreement, and it is one more chapter in a book of failed strategies. That is what happens.

I will remain hopeful, however, that one day sufficient numbers of this Congress and this Senate will decide that we are moving down the wrong road, we ought to turn around and change direction, and move in a way that expands opportunity for this country, cares a little bit about American jobs, sets up competition—yes, a competition with others that includes conditions that will raise others up rather than push us down. That will one day, in my judgment, be something the American people will demand of the Congress.

Apparently, not sufficient of them do so now, State after State, as represented by the votes that will be cast here later. But one day it will happen. If it is too late, at some point the strength will be sapped from this country, and we will not long remain a world economic power unless we have a strong, growing, vibrant manufacturing base. We lost half of that manufacturing base in the last 25 years. We are losing more of it as we speak. We face other challenges.

I just described this, which encapsulates a lot of the debate here: ''China now wants to buy the ninth largest oil company in the U.S.'' This encapsulates a whole series of issues about which we talked. I think one day soon the American people will say to the Congress: You have to wake up. You cannot be passing trade agreements that pull the rug out from under this country. Trade agreements must be mutually beneficial, and I have not yet seen one in the last two decades.

So, Mr. President, I am going to vote no. I hope as many of my colleagues who can will vote no. I hope one day soon those of us who feel as I do will prevail. Apparently, tonight will not be the night.

I yield the floor.

The PRESIDING OFFICER. The Senator yields back the remainder of his time. Under the previous order, the Senator from Montana is recognized for 10 minutes.

Mr. BAUCUS. Mr. President, this has been a long debate, and generally, in most respects, the statements have been a little bit one-sided: CAFTA is great, it is going to help; or CAFTA is a terrible idea; it will send us down the drain. I am hopeful because I sensed that in the last 2 to 3 hours, the statements have been a little more toward the center, trying to figure out realistically what is happening, what is going on here.

I think it is true, we all know in this competitive world that trade is important, it is essential. Companies have to trade, people have to trade both ways. If we do not, we are going to lose out big time. That is clear. There is not much doubt about that. But it is also true—and this has not been sufficiently addressed, certainly not in this debate and certainly not in the country, is

how we address the dislocations that happen on account of trade because so many people lose jobs through no fault of their own.

They work at a company, they work at a plant, say a manufacturing job at a plant, and the company seeking lower wages or lower health care costs goes overseas, maybe seeking software development, R&D investment, and an American loses his job. This might be a 20-year-old, it might be a 50-year-old, who loses his or her job. It is not the fault of the employee. It is because of the system. It is because the world is changing so dramatically. We have not begun at all to address what we should do about that.

We do have trade adjustment assistance. Trade adjustment assistance today applies only to persons who lose manufacturing jobs. It does help people who lose manufacturing jobs get some assistance, get some training, get some health care benefits, but it ought to be easier to get, and it ought to cover more workers, including service workers.

What we care about is training people, finding ways for them to get jobs that make a difference, to help them feel good about themselves without big dislocations in their families.

I might say we also are not addressing the larger trend that is coming. We have lost, say, 3 million manufacturing jobs in America over 2, 3, or 4 years. They are gone. We have also picked up a good number of jobs. But what is the area in which we have picked up a lot of jobs? Lately, in the last couple of years, it is because of 9/11. It is homeland security jobs. It is national defense jobs.

Clearly we need those jobs. But it makes one wonder a little bit, first, if there were no 9/11, sounds like there would be a huge net loss of jobs. We would not have the homeland security jobs we now have.

To make matters more, if not alarming, at least serious, is that although we have lost about 3 million manufacturing jobs, we picked up maybe roughly the same in the homeland security jobs, the next wave is going to be much greater and it is going to make the loss of manufacturing jobs pale in comparison. Our economy is creating and destroying jobs at a faster and faster rate. The total number of jobs may not be decreasing, but the rate of churn in the economy is getting faster and faster, especially with service jobs. This country is not ready for that. We have no paradigm, no structure, to deal with it. The days when you could work single job for 30 years without updating your skills are over. We need to be more prepared, have more educated workers, and more adjustment assistance.

Knowledge is not perfect. A little bit of knowledge is a dangerous thing. A book that I started to read is a good book that most Americans should read, called ''The World Is Flat,'' by Thomas Friedman. If one reads that, they get a sense of how much technology, communications technologies, moves things from bottom up instead of top down. In the economic world, nothing is sacred anymore. It is such a free-for-all. It is the wild west in a certain sense. I do not think we are ready for that.

So this debate has been helpful. It helps bring out some of the provisions of CAFTA, what it does and does not do, but it does not address the fundamentals. It does not address the basic problems we should be addressing. I am quite hopeful that sooner rather than later we are going to begin to address and we are going to hear Senators give speeches on what needs to be done. After that, there will be some proposals and debates on those and I am very hopeful that will happen sooner rather than later.

With respect to the more narrow issue of CAFTA, it is my belief, frankly, that regrettably the administration did not work with Congress as much as it should have. If it started earlier, we could very well have had a big vote for CAFTA, especially with respect to sugar. The administration came to Senators with the sugar concerns, beet sugar, cane sugar, very late in the game. In fact, there are negotiations going on right now. It is only because they realized they do not have the votes, especially in the House, at least not yet. The same is true with the labor provisions, no real negotiations, no real discussion there. That is unfortunate because we are one of the two bodies trying to find ways to get trade agreements.

I must say, however, that is not true about environmental issues. About a year or so ago, I realized that on CAFTA, environmental issues were going to be a big problem so I asked Ambassador Zoellick if he could come over to my office and talk about it, and he did. I must say I appreciate the way Ambassador Zoellick, over a period of about a year, dealt with the environmental issues so that would be much less of an issue in this agreement.

There has been a lot of talk about trade fatigue. Maybe the people of our country, Members of Congress, are beginning to wonder, gee, do these agreements mean much. I think that is an appropriate question. There is trade fatigue. One is because we are not enforcing our current trade agreements as we should. If we were to start to enforce our trade agreements, I think Americans would start to think, hey, maybe our Government is doing something to help us out.

My final two points are this: We speak about job loss and we speak about job gain. More importantly, there is a lot of talk about the economy is doing better. It masks the real problems that are going on, and that is the tyranny of averages. Average numbers do not mean much of anything. Why? Because we are such a disparate country. Some people have certain kinds of jobs. Some people have a lot of income, some people do not. That is not the question, what is the average GDP in the economy and all of that.

It helps a little bit, but we are representing people. There are employees. They are the people who work and an awful lot of people are getting hurt these days. A lot of people are doing very well. Bigger companies do very well, but a lot of people are not doing well, and a lot of people who work for big companies are not doing well.

I urge us to remember who we work for. We work for the people. They are the ones who elect or unelect us. I urge us to remember that point.

Finally, I will end where I began, namely, I am quite hopeful. I sense in this agreement, this debate, that people are starting to realize what the real issues are and beginning to realize that maybe the administration could have done a better job in talking to the Congress about the provisions that are in this agreement so that the Congress and the administration can work these out in subsequent trade agreements so we do not have quite the same problems we have tonight. At least I hope so. I am hopeful that will happen.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I hope I can say the Senate is going to pass S. 1307. I think we will do that. I am going to work the floor to make sure that happens. We have had an awful lot of support expressed for the bill today, and so I look forward to an announcement of a majority vote.

I think history will record this important legislation as a positive step in the development of democracy and prosperity in the CAFTA countries that has developed over the last 20 years, greatly expanding that. I am also confident that our leadership in passing CAFTA will be rewarded through benefits our Nation enjoys under this trade agreement, and more importantly, in the broader picture, advancing our overall trade agenda, particularly with the Doha round of negotiations going on throughout the course of 2005.

I also want to take a moment to compliment Senator COLEMAN of Minnesota. Senator COLEMAN has worked hard to create export opportunities for his farmers and manufacturers while looking after the interests of his sugar farmers, who Senator COLEMAN clearly cares deeply about.

Senator COLEMAN worked to get his sugar farmers disaster assistance a couple years ago when they were originally ineligible. And now, Senator COLEMAN has secured a commitment from this administration that the sugar import cap established in the farm bill will not be substantively violated as long as this farm bill is in place.

I want to compliment him on his commitment and dedication to his constituents. I appreciate his efforts to

find a long-term solution to this complex issue.

I am ready to yield back the balance of time and proceed to a vote.

The PRESIDING OFFICER. The Senator has yielded back the remainder of his time.

Under the previous order, the minority leader is recognized.

Mr. REID. Mr. President, of all the trade agreements this body has considered since I have been here, I would like to be able to support this one. I think it is remarkable how the CAFTA countries have turned from pasts of violence and instability to hopeful democracies. The initial economic and political reforms made by these countries are an important sign of progress.

Unfortunately, this trade agreement is seriously flawed. And, more importantly, it is symptomatic of the Bush administration's rudderless trade and economic policy.

The CAFTA countries account for less than 1.5 percent of total U.S. trade. The combined economic size of the CAFTA countries is smaller than each of the top 25 metropolitan areas in America. Yet, the Bush administration has made CAFTA its number one trade priority this year. I don't know if the President even has any trade policies other than CAFTA.

I know that President Bush has no policy for dealing with the U.S. trade deficit, which set a record last year of over $600 billion and is on pace to surpass $700 billion this year.

Economists have warned that our trade deficit is unsustainable and could threaten the U.S. and global economies. If anyone tells you that CAFTA will help reduce the deficit, they are confused or are being misleading. The CAFTA countries account for just 0.3 percent of the U.S. trade deficit. They are barely a molecule of water in the proverbial drop in the bucket. Instead of coming up with a policy for addressing the deficit, the administration sits in denial. The Treasury Secretary even likes to say our enormous trade deficit is a sign of U.S. economic strength.

In order to fund the enormous U.S. deficit, the Nation has to borrow from foreign governments. The Bush administration has managed to accumulate more foreign-owned debt in 4 years—$921 billion—than the U.S. accumulated in the first 220 years of its existence.

I do not consider that a sign of strength; I consider it a cause for concern. If the Bush administration does not acknowledge something is a problem, how can you come up with a policy to fix it?

The Bush administration at least concedes that China is a problem. The U.S. trade deficit with China was over $160 billion last year—more than ten times the size of total U.S. exports to the CAFTA countries. We had a $36 billion trade deficit with China just in advanced technology products—more than twice the total U.S. exports to CAFTA.

Yet the Bush administration's only policy seems to be empty rhetoric. It has no strategy to ensure that China ends its currency manipulation. It has no strategy to reduce China's 90 percent piracy rates. It has no strategy for ensuring China complies with all its WTO obligations. It has no strategy for responding to China's industrial policies in areas critical to the U.S. economy, like high-tech goods, automobiles, software, and energy.

Except for an occasional rhetorical oar splashing around the water, U.S. trade policy toward China is totally adrift.

The administration likes to note that the U.S. exports more to the CAFTA countries than to Russia, India, and Indonesia combined, as if that is a great selling point for CAFTA.

But, that statistic is really an indictment of the administration's trade policy. The economies of those three countries are more than 25 times the size of the CAFTA countries. Why do we export so little to those three countries?

If the U.S. exported as much to Russia, India, and Indonesia as it does to the CAFTA countries—relative to the size of their GDPs, the U.S. would gain about $360 billion in exports—120 times the benefit touted for CAFTA. Why are we focusing on CAFTA and not focusing on opening these and other markets that would make a much bigger difference for the U.S. economy?

The Bush administration likes to negotiate new trade agreements, but it never gets around to enforcing the ones we already have. President Clinton brought an average of 11 cases in the WTO each year to open foreign markets. The Bush administration brought 12 WTO cases total in 4 years.

Once again, this administration has no policy for doing the things that really matter for the U.S. economy. But it has given us CAFTA and all its flaws.

There are always winners and losers in trade agreements. The rich few in these countries will be the winners, while the poor majority will be the losers. The CAFTA countries already have some of the highest levels of income inequality in the world. The CAFTA agreement will exacerbate these problems rather than help them.

Democrats called for rules to help out the ''little guy'' in the CAFTA countries—stronger labor provisions and significant investments—but the Bush administration rejected them. The CAFTA countries have serious worker rights abuses. The U.S. Department of State, the International Labor Organization, and numerous independent human rights groups have all catalogued these abuses extensively. El Salvador's independent government-appointed Human Rights Ombudsman put it well. As reported by the Washington Post last year, she ''said both government and industry have 'an explicit intent to destroy unions.' ''

CAFTA does not require that these countries' labor laws meet basic internationally accepted standards. The CAFTA countries may weaken their labor laws at will. If one of the CAFTA countries allowed child labor, blacklisting, or intimidation of workers, it would all be OK under CAFTA.

Anyone who buys Bush administration claims that it sincerely wants to try to improve worker rights in the region, I have some ocean front property in my home State to sell you. The Bush administration has consistently sought major cuts in U.S. funds to the programs that improve worker rights overseas. This administration simply does not care about the issue.

As I said, it is inevitable that trade has winners and losers. The Bush administration has ignored those who are hurt by expanded trade here at home, however.

Democrats succeeded in getting an amendment added to CAFTA to provide training and assistance for more U.S. workers injured by trade. The Bush administration stripped this provision out of the legislation.

Because of CAFTA's flaws, leading groups of Latinos have announced their opposition or raised serious concerns about it—including the Congressional Hispanic Caucus and Central American bishops. These groups worry that CAFTA will hurt poor Latinos in Central America and here at home.

This administration's trade policy—when it has one—is the wrong policy for America. We should demand that the administration re-negotiate CAFTA and come back with a better agreement that makes sense for America and the region. More importantly, we should demand that the administration develop a comprehensive trade policy that addresses the critical issues, including the trade deficit, the emergence of China, and tough enforcement of U.S. rights under trade agreements, that reflect the priorities of the American people.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. FRIST. Mr. President, the Senate will shortly vote on CAFTA—the Central American Free Trade Agreement.

This agreement will eliminate most trade barriers between the United States, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic.

Over the last half century, the United States has led the way to opening new markets and encouraging free trade around the globe. These efforts have had tremendous success.

Everyday, American consumers and businesses benefit from the competition and choice that trade expansion brings. As we promote free and fair trade agreements, we create economic opportunity and build relationships that will continue to grow for years to come.

Under the agreement, six CAFTA countries will allow 80 percent our exports to enter their countries duty-free.

As a result, CAFTA will create our second largest export market in Latin America, behind only Mexico.

This agreement is a huge opportunity for both sellers and buyers, for all people who make transactions happen. It's like opening a huge new store for American businesses—where we get the same price for our goods but—because we pay fewer tariffs—our customers pay less.

This is a win-win.

CAFTA will open the doors to 44 million new consumers of American goods. And more sales to Central America means more jobs here at home.

With this agreement, over 27,000 new jobs will be created in its first year of implementation—over 500 of which will be in Tennessee. And 9 years after implementation, thanks to CAFTA over 137,000 Americans—including over 2,000 Tennesseans—will have the benefit of a new job.

CAFTA means jobs. American jobs. Tennessee jobs. It means more prosperity in our pockets.

Even more, CAFTA will allow our Nation to strengthen its bonds with countries in the region. A stronger relationship will allow us to more effectively work together to fight the war on terror and enhance the social stability of these nations.

We can also make positive strides in combating the trafficking of illegal drugs. And, as a result, reduce the supply of drugs on our Nation's streets and in our neighborhoods.

Furthermore, strengthening our mutual economic interests will strengthen our national security.

Twenty years ago, only two of the CAFTA nations—Costa Rica and the United States—were established democracies. Today, all seven can be counted among the free nations of the world.

CAFTA will bolster democracy in Central America and provide a model for freedom seekers around the world.

We simply cannot leave the United States on the sidelines as other nations rush to embrace free trade. We have an opportunity to act with CAFTA.

I urge my colleagues to support this agreement. A vote for CAFTA is a vote for America's farmers and manufacturers. It is a vote for more jobs for hard-working Americans. It is a vote for stable democracies and the spread of freedom to all corners of our globe.

CAFTA will move America forward. It will move all the Americas forward.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to a death in the family.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—54

Alexander	DeWine	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Murkowski
Bingaman	Feinstein	Murray
Bond	Frist	Nelson (FL)
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Pryor
Burr	Hagel	Roberts
Cantwell	Hatch	Santorum
Carper	Hutchison	Sessions
Chafee	Inhofe	Smith
Chambliss	Isakson	Stevens
Coburn	Jeffords	Sununu
Cochran	Kyl	Talent
Coleman	Lincoln	Voinovich
Cornyn	Lott	Warner
DeMint	Lugar	Wyden

NAYS—45

Akaka	Dorgan	Mikulski
Baucus	Durbin	Obama
Bayh	Enzi	Reed
Biden	Feingold	Reid
Boxer	Graham	Rockefeller
Burns	Harkin	Salazar
Byrd	Inouye	Sarbanes
Clinton	Johnson	Schumer
Collins	Kennedy	Shelby
Conrad	Kerry	Snowe
Corzine	Kohl	Specter
Craig	Landrieu	Stabenow
Crapo	Lautenberg	Thomas
Dayton	Leahy	Thune
Dodd	Levin	Vitter

NOT VOTING—1

Lieberman

The bill (S. 1307) was passed, as follows:

S. 1307

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 ''Dominican Republic-Central America-United States Free Trade Agreement Implementation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Retroactive application for certain liquidations and reliquidations of textile or apparel goods.
Sec. 206. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 207. Reliquidation of entries.
Sec. 208. Recordkeeping requirements.
Sec. 209. Enforcement relating to trade in textile or apparel goods.
Sec. 210. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods of CAFTA–DR countries.

TITLE IV—MISCELLANEOUS

Sec. 401. Eligible products.
Sec. 402. Modifications to the Caribbean Basin Economic Recovery Act.
Sec. 403. Periodic reports and meetings on labor obligations and labor capacity-building provisions.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua for their mutual benefit;

(3) to establish free trade between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the Dominican Republic-Central America-United States Free Trade Agreement approved by the Congress under section 101(a)(1).

(2) CAFTA–DR COUNTRY.—Except as provided in section 203, the term ''CAFTA–DR country'' means—

(A) Costa Rica, for such time as the Agreement is in force between the United States and Costa Rica;

(B) the Dominican Republic, for such time as the Agreement is in force between the United States and the Dominican Republic;

(C) El Salvador, for such time as the Agreement is in force between the United States and El Salvador;

(D) Guatemala, for such time as the Agreement is in force between the United States and Guatemala;

(E) Honduras, for such time as the Agreement is in force between the United States and Honduras; and

(F) Nicaragua, for such time as the Agreement is in force between the United States and Nicaragua.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(4) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(5) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3.29 of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the Dominican Republic-Central America-United States Free Trade Agreement entered into on August 5, 2004, with the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, and submitted to the Congress on ____, 2005; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on ____, 2005.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that countries listed in subsection (a)(1) have taken measures necessary to comply with the provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to provide for the Agreement to enter into force with respect to those countries that provide for the Agreement to enter into force for them.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2005 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF CAFTA–DR STATUS.—During any period in which a country ceases to be a CAFTA–DR country, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect with respect to that country.

(d) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force with respect to the United States, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3, 3.27, and 3.28 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of each CAFTA–DR country as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date the Agreement enters into force with respect to that country.

(3) EFFECT ON CBERA STATUS.—

(A) IN GENERAL.—Notwithstanding section 212(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)), the President shall terminate the designation of each CAFTA–DR country as a beneficiary country for purposes of that Act on the date the Agreement enters into force with respect to that country.

(B) EXCEPTION.—Notwithstanding subparagraph (A), each such country shall be considered a beneficiary country under section 212(a) of the Caribbean Basin Economic Recovery Act, for purposes of—

(i) sections 771(7)(G)(ii)(III) and 771(7)(H) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(G)(ii)(III) and 1677(7)(H));

(ii) the duty-free treatment provided under paragraph 12 of Appendix I of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement; and

(iii) section 274(h)(6)(B) of the Internal Revenue Code of 1986.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with a CAFTA–DR country regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) GENERAL PROVISIONS.—

(1) APPLICABILITY OF SUBSECTION.—This subsection applies to additional duties assessed under subsection (b).

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—For purposes of subsection (b), the term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(3) SCHEDULE RATE OF DUTY.—For purposes of subsection (b), the term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set out in the Schedule of the United States to Annex 3.3 of the Agreement.

(4) SAFEGUARD GOOD.—In this section, the term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 3.15 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(5) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(6) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 3.3 of the Agreement.

(7) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under subsection (b), the Secretary shall notify the country whose good is subject to the additional duty in writing of such action and shall provide to that country data supporting the assessment of the additional duty.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to subsection (a), the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good of a CAFTA–DR country imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good of such country that is imported into the United States in that calendar year exceeds 130 percent of the volume that is set out for that safeguard good in the corresponding year in the table for that country contained in Appendix I of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in the case of a good classified under subheading 1202.10.80, 1202.20.80, 2008.11.15, 2008.11.35, or 2008.11.60 of the HTS—

(i) in years 1 through 5, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(ii) in years 6 through 10, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(iii) in years 11 through 14, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(B) in the case of any other safeguard good—

(i) in years 1 through 14, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(ii) in years 15 through 17, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(iii) in years 18 and 19, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether the United States or another CAFTA–DR country).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of one or more of the CAFTA–DR countries;

(2) the good—

(A) is produced entirely in the territory of one or more of the CAFTA–DR countries, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of one or more of the CAFTA–DR countries, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$\text{RVC} = \frac{\text{AV} - \text{VNM}}{\text{AV}} \, 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$\text{RVC} = \frac{\text{VOM}}{\text{AV}} \, 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement may be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or in any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any 1 of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of one or more of the CAFTA–DR countries.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of vehicles, and is produced in the same plant in the territory of a CAFTA–DR country, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of a CAFTA–DR country, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of a CAFTA–DR country as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive goods provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) its own fiscal year,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for automotive goods that are exported to the territory of one or more of the CAFTA–DR countries.

(E) CALCULATING NET COST.—The importer, exporter, or producer shall, consistent with the provisions regarding allocation of costs set out in generally accepted accounting principles, determine the net cost of an automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of all such costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or more of the CAFTA–DR countries to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more of the CAFTA–DR countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or more of the CAFTA–DR countries to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more of the CAFTA–DR countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of one or more of the CAFTA–DR countries.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of one or more of the CAFTA–DR countries that are used in the production of a good in the territory of another CAFTA–DR country shall be considered to originate in the territory of that other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of one or more of the CAFTA–DR countries by 1 or more producers is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that—

(i) are used in the production of the good, and

(ii) do not undergo the applicable change in tariff classification (set out in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11

through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in heading 1006 that is used in the production of a good provided for in heading 1102 or 1103 or subheading 1904.90.

(F) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in chapter 15.

(G) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(H) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(I) Except as provided in subparagraphs (A) through (H) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set out in Annex 4.1 of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV))(as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of a CAFTA–DR country.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the CAFTA–DR country in which the production is performed; or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of that person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether they appear specified or separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territories of the CAFTA–DR countries, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of a CAFTA–DR country; or

(2) does not remain under the control of customs authorities in the territory of a country other than a CAFTA–DR country.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CAFTA–DR COUNTRY.—The term ''CAFTA–DR country'' means—

(A) the United States; and

(B) Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, or Nicaragua, for such time as the Agreement is in force between the United States and that country.

(3) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(4) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles'' means the recognized consensus or substantial authoritative support in the territory of a CAFTA–DR country with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(6) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF ONE OR MORE OF THE CAFTA–DR COUNTRIES.—The term ''goods wholly obtained or produced entirely in the territory of one or more of the CAFTA–DR countries'' means—

(A) plants and plant products harvested or gathered in the territory of one or more of the CAFTA–DR countries;

(B) live animals born and raised in the territory of one or more of the CAFTA–DR countries;

(C) goods obtained in the territory of one or more of the CAFTA–DR countries from live animals;

(D) goods obtained from hunting, trapping, fishing or aquaculture conducted in the territory of one or more of the CAFTA–DR countries;

(E) minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken in the territory of one or more of the CAFTA–DR countries;

(F) fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of one or more of the CAFTA–DR countries by vessels registered or recorded with a CAFTA–DR country and flying the flag of that country;

(G) goods produced on board factory ships from the goods referred to in subparagraph (F), if such factory ships are registered or recorded with that CAFTA–DR country and fly the flag of that country;

(H) goods taken by a CAFTA–DR country or a person of a CAFTA–DR country from the seabed or subsoil outside territorial waters, if a CAFTA–DR country has rights to exploit such seabed or subsoil;

(I) goods taken from outer space, if the goods are obtained by a CAFTA–DR country or a person of a CAFTA–DR country and not processed in the territory of a country other than a CAFTA–DR country;

(J) waste and scrap derived from—

(i) manufacturing or processing operations in the territory of one or more of the CAFTA–DR countries; or

(ii) used goods collected in the territory of one or more of the CAFTA–DR countries, if such goods are fit only for the recovery of raw materials;

(K) recovered goods derived in the territory of one or more of the CAFTA–DR countries from used goods, and used in the territory of a CAFTA–DR country in the production of remanufactured goods; and

(L) goods produced in the territory of one or more of the CAFTA–DR countries exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i),

at any stage of production.

(7) IDENTICAL GOODS.—The term ''identical goods'' means identical goods as defined in the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act;

(8) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(9) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(10) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(11) MODEL LINE.—The term ''model line'' means a group of motor vehicles having the same platform or model name.

(12) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(13) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the CAFTA–DR country in which the producer is located.

(14) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms ''nonoriginating good'' and ''nonoriginating material'' mean a good or material, as the case may be, that does not qualify as originating under this section.

(15) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means the goods used to protect a good during its transportation and does not include the packaging materials and containers in which a good is packaged for retail sale.

(16) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 3.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(17) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of a CAFTA–DR country.

(18) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(19) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(20) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(21) REMANUFACTURED GOOD.—The term ''remanufactured good'' means a good that is classified under chapter 84, 85, or 87, or heading 9026, 9031, or 9032, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a new good.

(22) TOTAL COST.—The term ''total cost'' means all product costs, period costs, and other costs for a good incurred in the territory of one or more of the CAFTA–DR countries.

(23) USED.—The term ''used'' means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4.1 of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, as provided in article 3.25.4(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63, as included in Annex 4.1 of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63, as included in Annex 4.1 of the Agreement.

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE CAFTA–DR COUNTRIES.—

(A) IN GENERAL.—Notwithstanding paragraph 3(A), the list of fabrics, yarns, and fibers set out in Annex 3.25 of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term ''interested entity'' means the government of a CAFTA–DR country other than the United States, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA–DR countries and to add that fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in the CAFTA–DR countries; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that a fabric, yarn, or fiber that is the subject of a request submitted under clause (i) is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President determines under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA–DR countries; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which the request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in

commercial quantities in a timely manner in the CAFTA–DR countries.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3.25 of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D); or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in the CAFTA–DR countries.

(iv) A proclamation declared under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (14), the following:

''(15) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS OF TEXTILE OR APPAREL GOODS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to subsection (c), an entry—

(1) of a textile or apparel good—

(A) of a CAFTA–DR country that the United States Trade Representative has designated as an eligible country under subsection (b), and

(B) that would have qualified as an originating good under section 203 if the good had been entered after the date of entry into force of the Agreement for that country,

(2) that was made on or after January 1, 2004, and before the date of the entry into force of the Agreement with respect to that country, and

(3) for which customs duties in excess of the applicable rate of duty for that good set out in the Schedule of the United States to Annex 3.3 of the Agreement were paid,

shall be liquidated or reliquidated at the applicable rate of duty for that good set out in the Schedule of the United States to Annex 3.3 of the Agreement, and the Secretary of the Treasury shall refund any excess customs duties paid with respect to such entry.

(b) ELIGIBLE COUNTRY.—The United States Trade Representative shall determine, in accordance with article 3.20 of the Agreement, which CAFTA–DR countries are eligible countries for purposes of this section, and shall publish a list of all such countries in the Federal Register.

(c) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry of a textile or apparel good only if a request therefor is filed with the Bureau of Customs and Border Protection, within such period as the Bureau of Customs and Border Protection shall establish by regulation in consultation with the Secretary of the Treasury, that contains sufficient information to enable the Bureau of Customs and Border Protection—

(1)(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located; and

(2) to determine that the good satisfies the conditions set out in subsection (a).

(d) DEFINITION.—As used in this section, the term ''entry'' includes a withdrawal from warehouse for consumption.

SEC. 206. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (9) as paragraph (10); and

(B) by inserting after paragraph (8) the following new paragraph:

''(9) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing.''; and

(2) by adding at the end the following new subsection:

''(h) FALSE CERTIFICATIONS OF ORIGIN UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CAFTA–DR certification of origin (as defined in section 508(g)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin set out in section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CAFTA–DR certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person may not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a CAFTA–DR certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(h) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—If the Bureau of Customs and Border Protection or the Bureau of Immigration and Customs Enforcement finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin set out in section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, the Bureau of Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the Dominican Republic-Central America-United States Free Trade Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until the Bureau of Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 207. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1), by striking ''or section 202 of the United States-Chile Free Trade Agreement Implementation Act'' and inserting '', section 202 of the United States-Chile Free Trade Agreement Implementation Act, or section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act''; and

(2) in paragraph (2), by inserting ''or certifications'' after ''other certificates''.

SEC. 208. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (g) as subsection (h);

(2) by inserting after subsection (f) the following new subsection:

''(g) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) CAFTA–DR CERTIFICATION OF ORIGIN.—The term 'CAFTA–DR certification of origin' means the certification established under article 4.16 of the Dominican Republic-Central America-United States Free Trade Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO CAFTA–DR COUNTRIES.—Any person who completes and issues a CAFTA–DR certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—Records and supporting documents shall be kept by the person who issued a CAFTA–DR certification of origin for at least 5 years after the date on which the certification was issued.''; and

(3) in subsection (h), as so redesignated—

(A) by inserting ''or (g)'' after ''(f)''; and

(B) by striking ''that subsection'' and inserting ''either such subsection''.

SEC. 209. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the government of a CAFTA–DR country to conduct a verification pursuant to article 3.24 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in that country is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of a CAFTA–DR country,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—The Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in intentional circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 210. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) CAFTA–DR ARTICLE.—The term ''CAFTA–DR article'' means an article that qualifies as an originating good under section 203(b).

(2) CAFTA–DR TEXTILE OR APPAREL ARTICLE.—The term ''CAFTA–DR textile or apparel article'' means a textile or apparel good (as defined in section 3(5)) that is a CAFTA–DR article.

(3) DE MINIMIS SUPPLYING COUNTRY.—

(A) Subject to subparagraph (B), the term ''de minimis supplying country'' means a CAFTA–DR country whose share of imports of the relevant CAFTA–DR article into the United States does not exceed 3 percent of the aggregate volume of imports of the relevant CAFTA–DR article in the most recent 12-month period for which data are available that precedes the filing of the petition under section 311(a).

(B) A CAFTA–DR country shall not be considered to be a de minimis supplying country if the aggregate share of imports of the relevant CAFTA–DR article into the United States of all CAFTA–DR countries that satisfy the conditions of subparagraph (A) exceeds 9 percent of the aggregate volume of imports of the relevant CAFTA–DR article during the applicable 12-month period.

(4) RELEVANT CAFTA–DR ARTICLE.—The term ''relevant CAFTA–DR article'' means the CAFTA–DR article with respect to which a petition has been filed under section 311(a).

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a CAFTA–DR article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the CAFTA–DR article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any CAFTA–DR article if, after the date that the Agreement enters into force, import relief has been provided with respect to that CAFTA–DR article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall

make the determination required under that section. At that time, the Commission shall also determine whether any CAFTA–DR country is a de minimis supplying country.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.3 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President is authorized to provide under this section may not, in the aggregate, be in effect for more than 4 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 4 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 3.3 of the Agreement would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set out in the Schedule of the United States to Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the Schedule of the United States to Annex 3.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) imports of a CAFTA–DR article of a CAFTA–DR country that is a de minimis supplying country with respect to that article.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set out in the Schedule of the United States to Annex 3.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of

the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a CAFTA–DR textile or apparel article of a specified CAFTA–DR country is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(3) DEADLINE FOR DETERMINATION.—The President shall make the determination under paragraph (1) no later than 30 days after the completion of any consultations held pursuant to article 3.23.4 of the Agreement.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of that Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with a review under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, it shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS OF CAFTA–DR COUNTRIES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of each CAFTA–DR country that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF CAFTA–DR COUNTRIES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President may exclude from the action goods of a CAFTA–DR country with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iv) a party to the Dominican Republic-Central America-United States Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.''.

SEC. 402. MODIFICATIONS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

(a) FORMER BENEFICIARY COUNTRIES.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraph:

''(F) The term 'former beneficiary country' means a country that ceases to be designated as a beneficiary country under this title because the country has become a party to a free trade agreement with the United States.''.

(b) COUNTRIES ELIGIBLE FOR DESIGNATION AS BENEFICIARY COUNTRIES.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by striking from the list of countries eligible for designation as beneficiary countries—

(1) ''Costa Rica'', effective on the date the President terminates the designation of Costa Rica as a beneficiary country pursuant to section 201(a)(3);

(2) ''Dominican Republic'', effective on the date the President terminates the designation of the Dominican Republic as a beneficiary country pursuant to section 201(a)(3);

(3) ''El Salvador'', effective on the date the President terminates the designation of El Salvador as a beneficiary country pursuant to section 201(a)(3);

(4) ''Guatemala'', effective on the date the President terminates the designation of Guatemala as a beneficiary country pursuant to section 201(a)(3);

(5) ''Honduras'', effective on the date the President terminates the designation of Honduras as a beneficiary country pursuant to section 201(a)(3); and

(6) ''Nicaragua'', effective on the date the President terminates the designation of Nicaragua as a beneficiary country pursuant to section 201(a)(3).

(c) MATERIALS OF, OR PROCESSING IN, FORMER BENEFICIARY COUNTRIES.—Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by striking ''the Commonwealth of Puerto Rico and the United States Virgin Islands'' and inserting ''the Commonwealth of Puerto Rico, the United States Virgin Islands, and any former beneficiary country''.

(d) DEFINITIONS AND SPECIAL RULES.—Section 213(b)(5) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)) is amended by adding at the end the following new subparagraphs:

''(G) FORMER CBTPA BENEFICIARY COUNTRY.—The term 'former CBTPA beneficiary country' means a country that ceases to be designated as a CBTPA beneficiary country under this title because the country has become a party to a free trade agreement with the United States.

''(H) ARTICLES THAT UNDERGO PRODUCTION IN A CBTPA BENEFICIARY COUNTRY AND A FORMER CBTPA BENEFICIARY COUNTRY.—(i) For purposes of determining the eligibility of an article for preferential treatment under paragraph (2) or (3), references in either such paragraph, and in subparagraph (C) of this paragraph to—

''(I) a 'CBTPA beneficiary country' shall be considered to include any former CPTPA beneficiary country, and

''(II) 'CBTPA beneficiary countries' shall be considered to include former CBTPA beneficiary countries,

if the article, or a good used in the production of the article, undergoes production in a CBTPA beneficiary country.

''(ii) An article that is eligible for preferential treatment under clause (i) shall not be ineligible for such treatment because the article is imported directly from a former CBTPA beneficiary country.

''(iii) Notwithstanding clauses (i) and (ii), an article that is a good of a former CBTPA

beneficiary country for purposes of section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or section 334 of the Uruguay Round Agreements Act (19 U.S.C. 3592), as the case may be, shall not be eligible for preferential treatment under paragraph (2) or (3), unless—

''(I) it is an article that is a good of the Dominican Republic under either such section 304 or 334; and

''(II) the article, or a good used in the production of the article, undergoes production in Haiti.''.

SEC. 403. PERIODIC REPORTS AND MEETINGS ON LABOR OBLIGATIONS AND LABOR CAPACITY-BUILDING PROVISIONS.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of the 2-year period beginning on the date the Agreement enters into force, and not later than the end of each 2-year period thereafter during the succeeding 14-year period, the President shall report to the Congress on the progress made by the CAFTA–DR countries in—

(A) implementing Chapter Sixteen and Annex 16.5 of the Agreement; and

(B) implementing the White Paper.

(2) WHITE PAPER.—In this section, the term ''White Paper'' means the report of April 2005 of the Working Group of the Vice Ministers Responsible for Trade and Labor in the Countries of Central America and the Dominican Republic entitled ''The Labor Dimension in Central America and the Dominican Republic - Building on Progress: Strengthening Compliance and Enhancing Capacity''.

(3) CONTENTS OF REPORTS.—Each report under paragraph (1) shall include the following:

(A) A description of the progress made by the Labor Cooperation and Capacity Building Mechanism established by article 16.5 and Annex 16.5 of the Agreement, and the Labor Affairs Council established by article 16.4 of the Agreement, in achieving their stated goals, including a description of the capacity-building projects undertaken, funds received, and results achieved, in each CAFTA–DR country.

(B) Recommendations on how the United States can facilitate full implementation of the recommendations contained in the White Paper.

(C) A description of the work done by the CAFTA–DR countries with the International Labor Organization to implement the recommendations contained in the White Paper, and the efforts of the CAFTA–DR countries with international organizations, through the Labor Cooperation and Capacity Building Mechanism referred to in subparagraph (A), to advance common commitments regarding labor matters.

(D) A summary of public comments received on—

(i) capacity-building efforts by the United States envisaged by article 16.5 and Annex 16.5 of the Agreement;

(ii) efforts by the United States to facilitate full implementation of the White Paper recommendations; and

(iii) the efforts made by the CAFTA–DR countries to comply with article 16.5 and Annex 16.5 of the Agreement and to fully implement the White Paper recommendations, including the progress made by the CAFTA–DR countries in affording to workers internationally-recognized worker rights through improved capacity.

(4) SOLICITATION OF PUBLIC COMMENTS.—The President shall establish a mechanism to solicit public comments for purposes of paragraph (3)(D).

(b) PERIODIC MEETINGS OF SECRETARY OF LABOR WITH LABOR MINISTERS OF CAFTA–DR COUNTRIES.—

(1) PERIODIC MEETINGS.—The Secretary of Labor should take the necessary steps to meet periodically with the labor ministers of the CAFTA–DR countries to discuss—

(A) the operation of the labor provisions of the Agreement;

(B) progress on the commitments made by the CAFTA–DR countries to implement the recommendations contained in the White Paper;

(C) the work of the International Labor Organization in the CAFTA–DR countries, and other cooperative efforts, to afford to workers internationally-recognized worker rights; and

(D) such other matters as the Secretary of Labor and the labor ministers consider appropriate.

(2) INCLUSION IN BIENNIAL REPORTS.—The President shall include in each report under subsection (a), as the President deems appropriate, summaries of the meetings held pursuant to paragraph (1).

Mr. GRASSLEY. Mr. President, the Senate has just passed S.1307, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. I am confident that history will record this moment as an important positive step in the development of democracy and prosperity in the CAFTA countries. And I am also confident that our leadership in passing CAFTA will be rewarded, through the benefits we will enjoy under this trade agreement and in terms of advancing our overall trade agenda.

First and foremost, today's vote reflects the leadership of President George W. Bush to advance the national economic and security interests of this country. This agreement is another important piece of the President's overall agenda to increase market access opportunities for America's farmers, ranchers, manufacturers, and service providers. By passing CAFTA we also strengthen our position in the ongoing Doha Development Agenda negotiations of the World Trade Organization. I hope our Trade Representative, Ambassador Portman, will build upon the momentum created today to press for meaningful progress in the Doha Round negotiations.

I want to thank the members of the Administration who delivered the comprehensive CAFTA agreement. At the top of that list is our former Trade Representative, Ambassador Zoellick, who managed to negotiate such a carefully balanced agreement without taking anything off the table. I firmly believe that the guiding principle for all our trade negotiations must be to deliver comprehensive agreements that do not take anything off the table. I expect our trade negotiators to continue delivering comprehensive agreements like CAFTA. Supporting Ambassador Zoellick closely were Ambassador Allen Johnson, our chief agriculture negotiator, and Regina Vargo, Assistant U.S. Trade Representative for the Americas. Of course, I am grateful too for the diligence with which Ambassador Portman has focused on CAFTA since taking over as our Trade Representative.

Today's successful outcome would not have been possible without the hard work and sustained effort of a number of dedicated professionals. I want to take this opportunity to thank them for their efforts. From the White House Office of Legislative Affairs, I want to thank Mike Smythers, Special Assistant to the President for Senate Affairs. I also want to thank Matt Niemeyer, Assistant U.S. Trade Representative for Congressional Affairs. The long hours they put in to address Senate concerns and to maintain an open dialogue with Members and staff are very much appreciated. And supporting Mr. Niemeyer in those efforts was Jennifer Mulveny, Deputy Assistant U.S. Trade Representative for Congressional Affairs. David Oliver, of the Office of General Counsel at USTR, also provided significant legal and technical support both during and after the negotiations were completed.

I want to commend my colleague on the Finance Committee, the ranking member, Senator BAUCUS. Although we did not agree in our views on CAFTA, we maintained our positive working relationship throughout the process. I hope the folks at home will take note. People may think Washington is mired in partisan bickering, but I think we on the Finance Committee have demonstrated our ability to disagree and still maintain respect for each other and for committee process. I am grateful to Senator BAUCUS, and very proud of our committee.

My diligent staff on the Finance Committee has worked very hard to make today's vote possible. First and foremost, my chief counsel and staff director, Kolan Davis, deserves recognition. His skills in managing my lengthy legislative agenda are key to my success. The chief international trade counsel to the committee, Everett Eissenstat, also deserves special mention. Without Everett's tireless dedication to passing CAFTA, I really do not think we would be in this position today. I am also grateful for the strong support the rest of my trade staff provided. David Johanson and Stephen Schaefer, international trade counselors to the committee, were instrumental in providing legal advice and technical support, as were Tiffany McCullen Atwell, international trade policy advisor, Claudia Bridgeford, international trade policy assistant, and Russell Ugone, who is on detail to my staff from the Bureau of Customs and Border Protection in the Department of Homeland Security. And I want to note my gratitude for the many efforts of Zach Paulsen, former International trade policy assistant to the committee.

Senator BAUCUS' staff also deserves recognition for their professionalism and flexibility in helping to move the legislative process forward. I am grateful to Russ Sullivan, Democratic staff director, and Bill Dauster, deputy staff director, for their accommodation and dedication to the committee. I also appreciate the efforts of Brian Pomper, chief international trade counsel to

Senator BAUCUS, and the other members of the Democratic trade staff: Shara Aranoff, Demetrios Marantis, Anya Landau, Janis Lazda, and Chelsea Thomas.

Finally, I want to identify two people for special recognition. The first is Polly Craighill, senior counsel in the Senate's Office of Legislative Counsel. Her dedication to the Senate is profound. The Finance Committee benefits greatly from Ms. Craighill's expertise in legislative drafting, her tireless efforts, and her constructive perfectionism. Today's vote is in no small part a testament to her skills. I also want to extend my deep gratitude to Jeanne Grimmett, legislative attorney in the American Law Division of the Congressional Research Service. My staff and I repeatedly called upon Ms. Grimmett to prepare legal research and memoranda in connection with our development of this legislation, and her timely support was instrumental to our success today. I am very grateful.

I look forward to the enactment of this legislation and hope that President Bush will sign it into law very soon.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR BURR RECEIVES THE GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, I wish to acknowledge an important feat of one of our Members. At 10 o'clock this evening, the distinguished Presiding Officer, the Senator from North Carolina, Mr. BURR, reached his 100th hour of presiding. I should clarify that it is 100 hours since the beginning of this year. I know sometimes it has probably felt like he has presided 100 hours in a week.

The reason this is important, according to the Senate Historian, is this is the fastest time in reaching the 100-hour mark since presiding records have been kept.

(Applause.)

Senator BURR will be the first Senator in the 109th Congress to receive the Golden Gavel Award. Most Members recognize that sitting in that chair is the best way to learn Senate procedure. He has done so with distinction and honor. He has done so with a firm but fair gavel. In addition to his regular presiding times, he has been here on many Mondays and Fridays, when a lot of us are at home and elsewhere. We thank him for that. We owe a debt of gratitude to him for doing that, and we thank him and congratulate him on this outstanding achievement.

(Applause.)

Mr. REID. Mr. President, if I may comment. The reason I like Senator BURR so much is because he pays attention while he presides. I am impressed with that.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. FRIST. Mr. President, at this juncture, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 130, H.R. 2419, the Energy and Water appropriations bill. I further ask that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, with no points of order waived by this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2419

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development, and for other purposes, namely:

[TITLE I

[CORPS OF ENGINEERS—CIVIL

[DEPARTMENT OF THE ARMY

[CORPS OF ENGINEERS—CIVIL

[The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, aquatic ecosystem restoration, and related purposes.

[GENERAL INVESTIGATIONS

[For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $100,000,000 to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[CONSTRUCTION

[For expenses necessary for the construction of river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); and for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers, $1,763,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which $182,668,000, pursuant to Public Law 99–662, shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $1,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $25,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $400,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $17,400,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $18,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Act of 1996; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[In addition, $137,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8 and section 601 of Public Law 106–541.

[FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

[For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,000,000 to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[OPERATION AND MAINTENANCE

[For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers (the ''Corps''); for providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a

State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,000,000,000 to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[REGULATORY PROGRAM

[For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $160,000,000, to remain available until expended.

[FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

[For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

[GENERAL EXPENSES

[For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $152,021,000 to remain available until expended: *Provided*, That no part of any other appropriation provided in this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

[OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

[For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

[ADMINISTRATIVE PROVISION

[Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

[GENERAL PROVISIONS

[CORPS OF ENGINEERS—CIVIL

[SEC. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

[(1) creates or initiates a new program, project, or activity;

[(2) eliminates a program, project, or activity;

[(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

[(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

[(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

[(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

[(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Act of 1996, or section 204 of the Water Resources Act of 1992.

[SEC. 102. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

[SEC. 103. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

[SEC. 104. After February 6, 2006, none of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that obligates the United States Government during fiscal year 2007 to make payment under such contract for any project that is proposed for deferral or suspension in fiscal year 2007 in the materials prepared by the Assistant Secretary of the Army (Civil Works) for that fiscal year pursuant to provisions of chapter 11 of title 31, United States Code.

[SEC. 105. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that reserves an amount for a project in excess of the amount appropriated for such project pursuant to this Act.

[SEC. 106. None of the funds in title I of this Act shall be available for the rehabilitation and lead and asbestos abatement of the dredge McFarland: *Provided*, That amounts provided in title I of this Act are hereby reduced by $18,630,000.

[SEC. 107. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

[TITLE II

[DEPARTMENT OF THE INTERIOR

[CENTRAL UTAH PROJECT

[CENTRAL UTAH PROJECT COMPLETION ACCOUNT

[For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

[In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

[BUREAU OF RECLAMATION

[WATER AND RELATED RESOURCES

[(INCLUDING TRANSFER OF FUNDS)

[For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $832,000,000, to remain available until expended, of which $55,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

[CENTRAL VALLEY PROJECT RESTORATION FUND

[For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

[CALIFORNIA BAY-DELTA RESTORATION

[(INCLUDING TRANSFER OF FUNDS)

[For carrying out activities authorized by the Calfed Bay Delta Authorization Act, consistent with plans to be approved by the Secretary of the Interior, $35,000,000, to remain available until expended, of which such amounts as may be necessary to carry out

such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided,* That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further,* That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further,* That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

[POLICY AND ADMINISTRATION

[For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

[ADMINISTRATIVE PROVISION

[Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

[GENERAL PROVISIONS

[DEPARTMENT OF THE INTERIOR

[SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

[(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

[SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

[SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: ''The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.''.

[(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: ''Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River.''.

[TITLE III

[DEPARTMENT OF ENERGY

[ENERGY PROGRAMS

[ENERGY SUPPLY AND CONSERVATION

[For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,762,888,000 (increased by $1,000,000), to remain available until expended.

[CLEAN COAL TECHNOLOGY

[(DEFERRAL)

[Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

[FOSSIL ENERGY RESEARCH AND DEVELOPMENT

[For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $502,467,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: *Provided further,* That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

[NAVAL PETROLEUM AND OIL SHALE RESERVES

[For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $18,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

[ELK HILLS SCHOOL LANDS FUND

[For necessary expenses in fulfilling installment payments under the Settlement

Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $46,000,000 will be derived from the Elk Hills School Lands Fund.

[STRATEGIC PETROLEUM RESERVE

[For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

[ENERGY INFORMATION ADMINISTRATION

[For necessary expenses in carrying out the activities of the Energy Information Administration, $86,426,000, to remain available until expended.

[NON-DEFENSE ENVIRONMENTAL CLEANUP

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $319,934,000, to remain available until expended.

[URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

[For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $591,498,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

[SCIENCE

[For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,666,055,000, to remain available until expended.

[NUCLEAR WASTE DISPOSAL

[For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $310,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $3,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That $7,000,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

[DEPARTMENTAL ADMINISTRATION

[(INCLUDING TRANSFER OF FUNDS)

[For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $253,909,000 (reduced by $1,000,000), to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2006, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $130,909,000.

[OFFICE OF THE INSPECTOR GENERAL

[For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,000,000, to remain available until expended.

[ATOMIC ENERGY DEFENSE ACTIVITIES

[NATIONAL NUCLEAR SECURITY ADMINISTRATION

[WEAPONS ACTIVITIES

[(INCLUDING TRANSFER OF FUNDS)

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,181,121,000, to remain available until expended.

[DEFENSE NUCLEAR NONPROLIFERATION

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,500,959,000, to remain available until expended.

[NAVAL REACTORS

[For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

[OFFICE OF THE ADMINISTRATOR

[For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $366,869,000, to remain available until expended.

[ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

[DEFENSE ENVIRONMENTAL CLEANUP

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,468,336,000, to remain available until expended.

[OTHER DEFENSE ACTIVITIES

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $702,498,000, to remain available until expended.

[DEFENSE NUCLEAR WASTE DISPOSAL

[For nuclear waste disposal activities to carry out the purposes of Public Law 97–425,

as amended, including the acquisition of real property or facility construction or expansion, $351,447,000, to remain available until expended.

[POWER MARKETING ADMINISTRATIONS

[BONNEVILLE POWER ADMINISTRATION FUND

[Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

[OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

[For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

[OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

[For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $31,401,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $1,235,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

[CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

[For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $226,992,000, to remain available until expended, of which $222,830,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $148,500,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

[FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

[For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

[FEDERAL ENERGY REGULATORY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.

[GENERAL PROVISIONS

[DEPARTMENT OF ENERGY

[SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

[(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

[(b) In this section:

[(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

[(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

[(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

[SEC. 302. None of the funds appropriated by this Act may be used to—

[(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

[(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

[SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

[SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

[(TRANSFERS OF UNEXPENDED BALANCES)

[SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

[SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

[SEC. 308. The Administrator of the National Nuclear Security Administration may

authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term ''covered nuclear weapons facility'' means the following:

[(1) the Kansas City Plant, Kansas City, Missouri;

[(2) the Y–12 Plant, Oak Ridge, Tennessee;

[(3) the Pantex Plant, Amarillo, Texas;

[(4) the Savannah River Plant, South Carolina; and

[(5) the Nevada Test Site.

[SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

[SEC. 310. None of the funds made available in this Act may be used to select a site for the Modern Pit Facility during fiscal year 2006.

[SEC. 311. None of the funds made available in title III of this Act shall be for the Department of Energy national laboratories and production plants for Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities in excess of $250,000,000.

[SEC. 312. None of the funds made available in title III of this Act shall be for Department of Energy Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities for project costs incurred as Indirect Costs by Major Facility Operating Contractors.

[SEC. 313. None of the funds made available in title III of this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

[SEC. 314. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

[TITLE IV

[INDEPENDENT AGENCIES

[APPALACHIAN REGIONAL COMMISSION

[For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $38,500,000, to remain available until expended.

[DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

[DELTA REGIONAL AUTHORITY

[SALARIES AND EXPENSES

[For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $6,000,000, to remain available until expended.

[DENALI COMMISSION

[For expenses of the Denali Commission, $2,562,000, to remain available until expended.

[NUCLEAR REGULATORY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $714,376,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $66,717,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $580,643,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $133,732,600: *Provided further*, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words ''and fiscal year 2006''.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

[NUCLEAR WASTE TECHNICAL REVIEW BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

[TITLE V

[GENERAL PROVISIONS

[SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

[SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

[SEC. 503. None of the funds made available by this Act shall be used by the Nuclear Regulatory Commission to contract with or reimburse any Nuclear Regulatory Commission licensee or the Nuclear Energy Institute with respect to matters relating to the security of production facilities or utilization facilities (within the meaning of the Atomic Energy Act of 1954).

[SEC. 504. None of the funds made available by this Act may be used before March 1, 2006, to enter into an agreement obligating the United States to contribute funds to ITER, the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

[This Act may be cited as the ''Energy and Water Development Appropriations Act, 2006''.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Chief of Engineers and the supervision of the Director of Civil Works for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $180,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,086,664,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund: Provided, That using $15,000,000 of the funds appropriated herein, the Chief of Engineers is directed to continue construction of the Dallas

Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $2,000,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Chief of Engineers is directed to use $13,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Chief of Engineers is directed to use $4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to complete construction of seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Chief of Engineers is directed to use $9,500,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $4,600,000 of the funds appropriated herein to continue with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Chief of Engineers is directed to proceed with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137), and, of the $12,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, up to $7,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: Provided further, That $300,000 is provided for the Chief of Engineers to conduct a General Reevaluation Study on the Mount St. Helens project to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $433,336,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the harbor maintenance trust fund: Provided, That the Chief of Engineers, using $25,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed, with $10,000,000 appropriated herein, to continue construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,100,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the United States Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2005, and September 30, 2006: Provided further, That the Chief of Engineers is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That using $275,000 provided herein, the Chief of Engineers is authorized to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, $43,000,000, to remain available until expended.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $150,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $165,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. Beginning in fiscal year 2005 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control, Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed $100,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 103. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 104. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.

SEC. 106. Section 123 of Public Law 108–137 (117 Stat. 1837) is amended by striking ''in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report'' and all that follows and inserting the following language in lieu thereof: ''in accordance with the 'Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Study' report prepared by the Corps of Engineers and the City of Baltimore, Maryland, dated September 2002.''.

SEC. 107. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA. Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat.

3666), is amended by striking ''$229,581,000'' and inserting ''$358,000,000''.

SEC. 108. LOWER MUD RIVER, MILTON, WEST VIRGINIA. The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Chief of Engineers to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 109. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 110. Section 529(b)(3) of Public Law 106–541 is amended by striking ''$10,000,000'' and inserting ''$20,000,000'' in lieu thereof.

SEC. 111. YAZOO BASIN, UPPER YAZOO PROJECTS, MISSISSIPPI. The Yazoo Basin Headwater Improvement, Mississippi, project authorized by the Flood Control Act of 1928 (45 Stat. 534), as amended and modified, is further modified to include the design and construction at full Federal expense of such measures as determined by the Chief of Engineers to be advisable for the control of bank erosion along the Yazoo River and including, but not limited to, the following tributaries and watersheds of the Yazoo River: Tallahatchie River, Coldwater River (below Arkabutla Dam), Bear Creek Diversion, Yalobusha River (below Grenada Dam), Little Tallahatchie River (below Sardis Dam), Yocona River (below Enid Dam), Tchula Lake, Cassidy Bayou, Bobo Bayou Area, Arkabutla Canal, Ascalmore-Tippo Creek, David-Burrell Bayou, McKinney Bayou, Lake Cormorant Area, Hurricane Bayou, Opossum Bayou, Chicopa Creek, Hillside Floodway, Bear Creek, Alligator-Catfish Bayou, Rocky Bayou, Whiteoak Bayou, Potacocowa Creek, Tillatoba Creek, Teoc Creek, Big Sand Creek, Chicopa Creek, and miscellaneous ditches.

SEC. 112. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI. The Water Resources Development Act of 1992 (106 Stat. 4811) is amended by—

(1) in section 103(c)(2) by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''; and

(2) in section 103(c)(7)—

(A) by striking ''There is'' and inserting the following: ''(A) IN GENERAL.—There is''; and

(B) by striking ''$2,000,000'' and all that follows and inserting the following: ''$15,000,000 to plan, design, and construct generally in accordance with the conceptual plan to be prepared by the Corps of Engineers.

''(B) FUNDING.—The planning, design, and construction of the Lower Mississippi River Museum and Riverfront Interpretive Site shall be carried out using funds appropriated as part of the Mississippi River Levees feature of the Mississippi River and Tributaries Project, authorized by the Act of May 15, 1928 (45 Stat. 534, chapter 569).''.

SEC. 113. PUBLIC LAW 106–53. Section 593(h) (113 Stat. 381) is modified by striking ''$25,000,000'' and inserting ''$50,000,000''.

SEC. 114. The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Chief of Engineers to carry out the project at a total cost of $222,000,000.

SEC. 115. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT. (a) Section 514 of the Water Resources Development Act of 1999 is amended by inserting after subsection (e):

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a Regional or National nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''; and

(b) renumbering the succeeding subsections accordingly.

SEC. 116. Section 514(f)(1) of the Water Resources Development Act of 1999 (Public Law 106–53) is amended by adding at the end of the sentence before the period ''which may be in cash, by the provision of lands, easements, rights-of-way, relocations or disposal areas, by in-kind services to implement the project, or by any combination of the foregoing. Land needed for a project under this authority may remain in private ownership subject to easements satisfactory to the Secretary necessary to assure achievement of the project purposes''.

SEC. 117. Section 514(g) of the Water Resources Development Act of 1999 (Public Law 106–53) is amended by striking the words ''for the period of fiscal years 2000 and 2001'' and inserting in lieu thereof ''per year, and such authority shall extend until Federal fiscal year 2015''.

SEC. 118. MISSOURI RIVER LEVEE SYSTEM, UNIT L–15 LEVEE, MISSOURI. The portion of the L–15 levee system which is under the jurisdiction of the Consolidated North County Levee District and which is situated along the right descending bank of the Mississippi River from its confluence with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under 33 U.S.C. 701n.

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A–220), is further amended by adding at the end the following:

''(72) ALPINE, CALIFORNIA.—$10,000,000 is authorized for a water transmission main, Alpine, CA.''.

SEC. 120. Section 214(a) of Public Law 106–541 is amended by striking ''2005'' and inserting ''2006''.

SEC. 121. MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM, NEW MEXICO. The Secretary of the Army may carry out projects that comply with the Reasonable and Prudent Alternative of the 2003 Biological Opinion required by section 205(b) of Public Law 108–447 (118 Stat. 2949) referring to the Biological and Conference Opinions on the Effects of Actions Associated with the Programmatic Biological Assessment of Bureau of Reclamation's Water and River Maintenance Operations, Army Corps of Engineers' Flood Control Operation, and Related Non-Federal Actions on the Middle Rio Grande, New Mexico and other recovery measures for the Rio Grande Silvery Minnow or the Southwest Willow Flycatcher, including recommendations provided by the Endangered Species Act Collaborative Program as established in Public Law 108–137 section 209(b) (117 Stat. 1850). All project undertaken under this subsection shall be subject to a 75 percent Federal/25 percent non-Federal cost share. The non-Federal cost share for all projects carried out under this program may be provided through in-kind services or direct cash contributions and shall include provision of necessary land, easements, relocations and disposal sites. Non-Federal cost share shall be credited on a programmatic basis instead of on a project-by-project basis with reconciliation of total project costs and total non-Federal cost share on a 3 year incremental basis. Over contribution of non-Federal cost share shall be credited to subsequent years. In lieu of individual Project Cooperation Agreements, the Secretary shall enter into Memoranda of Agreement with participants in the Middle Rio Grande Endangered Species Collaborative Program in order to establish relative contribution of non-Federal cost share by each participant, implement projects, and streamline administrative procedures.

SEC. 122. BLUESTONE, WEST VIRGINIA. Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676) is amended—

(1) in subsection (b)(1)(A) by striking ''4 years'' and inserting ''5 years'';

(2) in subsection (b)(1)(B)(iii) by striking ''if all'' and all that follows through ''facility'' and inserting ''assurance project'';

(3) in subsection (b)(1)(C) by striking ''and construction'' and inserting '', construction, and operation and maintenance'';

(4) by adding at the end of subsection (b) the following:

''(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).'';

(5) in subsection (c)(1)—

(A) by striking ''No'' and inserting ''Unless otherwise provided, no'';

(B) by inserting ''planning,'' before ''design''; and

(C) by striking ''prior to'' and all that follows through ''subsection (d)'';

(6) in subsection (c)(2) by striking ''design'' and inserting ''planning, design,'';

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.'';

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting '', except that hydroelectric power is no longer a project purpose of the facility so long as Tri-Cities Power Authority continues to exercise its responsibilities as the builder, owner, and operator of the hydropower facilities at Bluestone Dam. Water flow releases and flood control from the hydropower facilities shall be determined and directed by the Corps of Engineers.''; and

(D) by adding at the end the following:

''(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.'';

(8) in subsection (e) by striking ''in accordance'' and all that follows through ''58 Stat. 890)'';

(9) in subsection (f)—

(A) by striking ''facility of the interconnected systems of reservoirs operated by the Secretary'' each place it appears and inserting ''facilities under construction under such agreements''; and

(B) by striking ''design'' and inserting ''planning, design'';

(10) in subsection (f)(2)—

(A) by ''Secretary'' each place it appears and inserting ''Tri-Cities Power Authority''; and

(B) by striking ''facilities referred to in subsection (a)'' and inserting ''such facilities'';

(11) by striking paragraph (1) of subsection (g) and inserting the following:

''(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and'';

(12) in subsection (g)(2) by striking ''such facilities'' and all that follows through ''the Secretary'' and inserting ''the generating facility''; and

(13) by adding at the end the following:

''(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.''.

SEC. 123. The portion of the project for navigation, City Waterway, Tacoma, Washington authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 124. The Chief of Engineers shall define the repairs made at Fern Ridge Dam as a dam safety project and costs shall be recovered in accordance with Section 1203 of the Water Resources Development Act of 1986: Provided, That costs assigned to irrigation will be recovered by the Secretary of the Interior in accordance with Public Law 98–404.

SEC. 125. The Chief of Engineers is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 126. The Chief of Engineers is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 127. LAKE CHAMPLAIN CANAL DISPERSAL BARRIER, VERMONT AND NEW YORK. The Chief of Engineers shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal: Provided, That if the Chief determines that the project is feasible, the Chief shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $899,569,000, to remain available until expended, of which $63,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided further, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That $500,000 is provided to the Bureau of Reclamation to advance the Snyderville Basin Water Supply Study Special Report to a Feasibility Level Study and NEPA compliance for the purpose of providing water to Park City and the Snyderville Basin, Utah, as a component of the Weber Basin Project: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Calfed Bay Delta Authorization Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 204. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, hereafter is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority: Provided further, That the Secretary is also hereafter authorized

to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 205. RIO GRANDE COLLABORATIVE WATER OPERATIONS TEAM. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, and the Secretary of the Army, acting through the Army Corps of Engineers, shall jointly lead and may enter into agreements with other Federal, State, and non-Federal entities with water rights in the Rio Grande Basin to form a Collaborative Water Operations Team in order to cooperate on water management and riparian actions in order to optimize the supply of water throughout the basin and meet other Federal obligations. The Rio Grande Collaborative Water Operations Team shall undertake to develop a master plan for the Rio Grande River and its tributaries within the State of New Mexico that integrates all Federal actions and where possible considers all non-Federal actions for water management including improvement of agriculture efficiency, environmental restoration and management, ecological improvements and management, scientific investigations, flood control, recreation development and similar water and land management efforts.

SEC. 206. WATER DESALINATION ACT. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) and by section 6015 of Public Law 109–13 is amended by—

(1) in paragraph (a) by striking ''2005'' and inserting in lieu thereof ''2010''; and

(2) in paragraph (b) by striking ''2005'' and inserting in lieu thereof ''2010''.

SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100–585, 102 Stat. 2973; Public Law 106–554, 114 Stat. 2763A–266) is amended by striking ''within 7 years'' and all that follows through ''following the date of enactment of this section'' and inserting ''for each of fiscal years 2006 through 2012''.

SEC. 208. (a) Notwithstanding section 217(a)(3) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1853), and in accordance with section 804(f) of title VIII of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282; 116 Stat. 2016), the State of Nevada shall not be responsible for any of the payments described in section 804(b)–(e) of title VIII of Public Law 107–282 associated with the conveyance of the Humboldt Project. The State of Nevada shall be subject to the reconveyance provisions contained in the last sentence of section 804(f).

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (Public Law 107–171, Title II, Subtitle F; 116 Stat. 275), the Secretary of the Interior, acting through the Commissioner of Reclamation, may expend up to $1,000,000 to cover both the Secretary's share and the State of Nevada's share of the following costs provided by section 804(c)–(e) of Public Law 107–282 incurred by the conveyance of the State of Nevada's share of the Humboldt Project:

(A) administrative costs;

(B) real estate transfer costs; and

(C) the costs associated with complying with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(2) The amounts appropriated by this section shall be in addition to the $270,000 appropriated by section 217(a)(3) of Public Law 108–137.

SEC. 209. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

SEC. 210. NORMAN, OKLAHOMA. (a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—

(1) FEASIBILITY STUDY.—In accordance with Federal reclamation law, the Secretary of the Interior (referred to as ''Secretary''), acting through the Bureau of Reclamation and in consultation with the State of Oklahoma, Central Oklahoma Master Conservancy District (referred to as ''District''), and other interested local entities, is authorized to conduct a study to determine the feasibility of:

(A) implementing water augmentation alternatives that would provide additional water to meet the future needs of the District's member cities and surrounding area;

(B) making use of existing Norman Project infrastructure to store, regulate and deliver water to meet current and future water demands; and

(C) increasing the capacity of existing Norman Project infrastructure in order to meet the projected demands.

(2) COST SHARING.—The Federal share of the cost of the study authorized in this Act shall not exceed 50 percent of the total cost of the study, and shall be non-reimbursable.

(3) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State of Oklahoma and other appropriate entities to complete the feasibility study authorized in this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as are necessary to carry out the Federal share under subsection (a).

SEC. 211. Section 207 of Division C of Public Law 108–447 is amended by inserting '', and any effects of inflation thereon,'' after the word ''increase''.

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,945,330,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: Provided, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $641,646,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: Provided, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: Provided further, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: Provided further, That of the amounts provided, $100,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of

technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: Provided further, That salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from program accounts: Provided further, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: Provided further, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $21,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $36,000,000 will be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $85,926,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $353,219,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $561,498,000, to be derived from the Fund, to remain available until expended, of which $0 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,702,718,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $300,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, $3,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $500,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: Provided further, That $8,500,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $280,976,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2006, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $157,976,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,554,024,000, to remain available until expended: Provided, That the $65,564,000 is authorized to be appropriated for Project 01–D–108, Microsystems and Engineering Sciences Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, That $65,000,000 is authorized to be appropriated for Project 04–D–125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,729,066,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $665,001,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $277,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $30,166,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $3,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $240,757,000, to remain available until expended, of which $236,596,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding the provision of 31 U.S.C. 3302, up to $279,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 302. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 303. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 304. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 305. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 306. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and

setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: Provided, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 4 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term ''covered nuclear weapons facility'' means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 310. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purpose of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residue; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 311. ADVANCED SIMULATION COMPUTING. None of the funds appropriated by this Act for the National Nuclear Security Administration (NNSA) Advanced Simulation and Computing program may be used to fund any project that does not directly support the stockpile stewardship mission of NNSA unless the NNSA Administrator determines that all Advanced Simulation and Computing stockpile stewardship responsibilities for fiscal year 2006 have been satisfied.

SEC. 312. RENO HYDROGEN FUEL PROJECT FUNDING. (a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration Sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 313. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development.

SEC. 314. LDRD ELIGIBILITY. Funds made available in Title III of this Act shall be available to pay expenses for all Lab Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD) and Site Directed Research and Development (SDRD) project costs incurred by DOE Major Facility Operating Contractors.

SEC. 315. LDRD COSTS. Funds made available in Title III of this Act shall be available to finance all direct and indirect costs of research performed on behalf of other Federal agencies, including laboratory directed research and development costs.

SEC. 316. NNSA COMPLEX REVIEW IMPLEMENTATION. No funds provided in this Act shall be available to implement reforms identified in Secretary of Energy's Advisory Board NNSA Nuclear Weapons Complex Infrastructure Study that had not been requested within the fiscal year 2006 budget request.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $65,482,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $12,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $67,000,000 nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998, $2,562,000, to remain available until expended: Provided, That of the amounts provided to the Denali Commission, $5,000,000 is for community showers and washeteria in villages with homes with no running water; $13,000,000 is for the Juneau/Green's Creek/Hoonah Intertie project; $3,000,000 for the Fire Island Transmission line; $1,000,000 for the Humpback Creek Hydroelectric project; $2,000,000 for the Falls Creek Hydroelectric project; $5,000,000 is for multi-purpose community facilities including the Bering Straits Region, Dillingham, Moose Pass, Sterling, Funny River, Eclutna, and Anchor Point; $10,000,000 is for teacher housing in remote villages such as Savoogna, Allakakaet, Hughes, Huslia, Minto, Nulato, and Ruby where there is limited housing available for teachers; $7,000,000 is for facilities serving Native elders and senior citizens; and $5,000,000 is for: (1) the Rural Communications service to provide broadcast facilities in communities with no television or radio station; (2) the Public Broadcasting Digital Distribution Network to link rural broadcasting facilities together to improve economies of scale, share programming, and reduce operating costs; and (3) rural public broadcasting facilities and equipment upgrades.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), purchase of promotional items for use in the recruitment of individuals for employment, $734,376,000, to remain available until expended: Provided, That of the amount appropriated herein, $66,717,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $598,643,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $135,733,000: Provided further, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words ''and fiscal year 2006''.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V—GENERAL PROVISION

SEC. 501. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2006''.

The committee amendment in the nature of a substitute was agreed to.

Mr. FRIST. Mr. President, Members have been asking about the schedule for tonight. We are proceeding to the Energy and Water appropriations bill. The chairman and ranking member will begin shortly. I do not believe we have many amendments to the bill. We will finish the bill tonight. I know the Senator from California will have an amendment, and it will require some debate and a vote.

We can begin that amendment—or I will leave it to the chair and ranking member at this time. But the plans will be to have further rollcall votes, and we will complete the bill tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am wondering, while the manager and everybody else is on the floor—we know we have at least one amendment that will take some debate. I am wondering if everybody wants a vote on final passage.

We can do that. It will take a while to get through all this. There are no surprises. It has been around for a while. I am going to be here, anyway, so it does not matter to me. I am wondering if we need to have a rollcall vote on final passage.

Mr. MCCAIN. If the minority leader will yield, I was told there is a whole stack of amendments going to be considered. I am sure some will require rollcall votes.

Mr. REID. We will certainly keep that in mind, but we also have an opportunity when the conference report comes back to take a look at it again if someone needs a recorded vote. As we always do, we will work with the Senator from Arizona, and if there are questions, of course, we will be ready to have a rollcall vote.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from Arizona leaves, before we started, we were aware of only one person—until the Senator from Arizona spoke, and we understand Senator MCCAIN is going to see what he wants to do—who wanted a rollcall vote. Now we will look for any others and will be glad to work with the Senator's people. If he will tell us now, we will share anything he would like as soon as possible.

For the information of the Senate, Senator FEINSTEIN—permit me to editorialize a minute—has offered this amendment, or something like it, a couple times. We have voted on it, but she wants substantial time, and certainly that is her privilege. We will not take much time in opposition.

For the benefit of our colleagues, how long does the Senator from California intend to take?

Mrs. FEINSTEIN. I will take 15 minutes, Senator KENNEDY 30 minutes, Senator LEVIN 15 minutes, and Senator CLINTON 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that be the order of those in support of the amendment.

Mr. DOMENICI. There will be no others?

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. On our side, unless somebody else wants time—on this amendment, do you want time?

Mr. WARNER. On Feinstein.

Mr. DOMENICI. In opposition?

Mr. WARNER. Yes.

Mr. DOMENICI. Mr. President, that is 15 minutes in opposition, plus 5 minutes for me. There will be 20 minutes in opposition.

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

Mr. REID. Mr. President, before we proceed, I say through the Chair to the distinguished Senator from Arizona, this is one of the smallest managers' packages I have ever seen. I think we have eight or nine items in it, and they are ready for review right now.

Mr. MCCAIN. Mr. President, for the benefit of the Senator from Nevada, there is a large stack of amendments my staff has just been handed. Here we are at 10:15 at night, and we have never laid eyes on them before. I say again to my colleagues, plan on rollcall votes.

Mr. REID. We do not have a large stack of amendments.

Mr. DOMENICI. It is eight items. We will give them all to the Senator from Arizona. We have given them to him already.

Mr. REID. This is one of the smallest managers' packages I have ever dealt with.

Mr. DOMENICI. Mr. President, it is my pleasure to bring the Energy and Water bill for fiscal year 2006 to the floor for consideration. Thanks to Chairman COCHRAN and his ranking member, Senator ROBERT BYRD, the subcommittee allocation is $31.2 billion, an amount that is $1.5 billion over the President's request.

Chairman COCHRAN has been generous to this subcommittee, and I am committed to supporting priorities that have been neglected or underfunded in past budgets.

There are two priorities within this bill, and they are water and science.

The first priority is water. As all the Members know, the request cut water projects below the current year level.

In addition, the budget has imposed an OMB-originated formula to establish priorities among water projects. I don't believe the OMB formula is fair, and we have ignored it for purposes of identifying worthy Corps projects in this bill.

I would also like to point out that there is an extensive discussion in the report regarding this committee's support of the Corps' ability to reprogram funds and utilize continuing contracts as an effective tool to manage the over 2,200 Corps projects and studies. The House has proposed to eliminate the Corps reprogramming authority and restrict its ability to focus resources on critical construction priorities.

Each construction project is different with numerous challenges, including weather, water flows and construction logistics, including manpower and materials, that may cause significant delays. On the other hand, some projects are able to accelerate their schedule. Using the reprogramming authority the Corps is able to keep accelerated projects on track by reprioritizing funds from delayed projects.

I have been contacted by many Members and heard from numerous communities who oppose the House language. I share their concerns and believe the House proposal is unworkable and would eliminate the Corps' ability to prioritize work. These reforms are in the best interest of the Corps or taxpayers.

The subcommittee has also provided funds to offset the $521 million in unfunded legislative assumptions included in the budget request associated with the management of the Power Marketing Administration.

The second priority in this bill is science. Funding for both the both Office of Science and the Stockpile Stewardship R&D accounts within NNSA received increases.

The budget request reduced the Office of Science funding by $136 million. This mark restores the cut and more, providing an increase of $240 million above the request.

I am also concerned about the funding reductions to the science-based stockpile steward ship accounts. I have attempted to restore this scientific capability that is essential to the certification of our nuclear deterrent without the validation of underground testing.

For the benefit of the Senate, I will review the highlights of this bill.

The mark provides $5.29 billion for the Army Corps of Engineers which is $966 million above the budget request.

We have included new construction projects and initiated new study starts.

This bill ignores the OMB-developed formulation for the Corps as it would negatively impact rural projects and projects that have already begun construction.

This mark also ignores the administration's decision not to fund beach renourishment. These projects are very important to many communities and likewise members of the Senate.

For the Bureau of Reclamation, this bill provides just over $1.08 billion, an increase of $130 million above the President's request. This project support water projects in 17 Western States and provides $60 million for Animas La Plata, an increase of $8 million over the reueststt. The committee provides full funding for Cal Fed of $37 million, and provides the current year funding for Water 2025.

For the Department of Energy, the mark provides $25.04 billion.

For nuclear weapons activities of the National Nuclear Security Administration), NNSA, the bill provides $6.55 billion, which is $76 million under the President's request.

This decrease is a result of the $222 million transfer of cleanup operations out of the NNSA to the Office of Environmental Management and a reduction in the NIF construction program.

The committee mark increases are targeted to the science-based Stockpile Stewardship Program. Funding for the science, engineering and advanced computing campaigns are up $164 million.

For nuclear nonproliferation activities the Senate bill provides $1.7 billion, which is $91.8 million above the request and $236 million above the current year level.

I think it is also important to mention that this subcommittee mark fully funds the plutonium disposition program, including $362.5 million for the construction of both the Pit Disassembly facility and well as Mixed Oxide Fuel Fabrication Facility in South Carolina.

This facility is our only pathway to permanently eliminate excessive and dangerous plutonium supplies. The NNSA spends tens of millions of dollars to protect this material that will not be necessary if we are able to turn plutonium into commercial nuclear fuel. It is our Nation's best opportunity to undertake reprocessing.

The administration is making good headway in negotiations with the Russians, which I believe warrants full funding of this critical project.

For the Yucca Mountain project, the Senate bill provides $577 million, which is consistent with current year funding and $65 million below the President's request.

This mark does not take a position on developing an interim storage facility. While I personally believe that a central interim storage facility makes sense, this bill is not the proper vehicle to have this debate.

For the Energy Supply and Conservation Programs the subcommittee mark provides $1.9 billion, an increase of $195 million above the request.

For nuclear energy R&D, the bill provides $499.9 million, which is $60 million above the President's request and $64 million over the current year levels.

Also, Nuclear Power 2010, $76 million, an increase of $20 million and Advanced Fuel Concepts Initiative, $85 million is provided, an increase of $15 million.

For the Office of Science, the bill provides $3.7 billion, an increase of $240 million above the request and $102 million above the current year level. We have provided $100 million to ensure that DOE facilities operate at 100 percent capacity. A $40 million increase has been provided to accelerate the four planned facilities under the Genomes to Life program. And $30 million is provided to establish a nanotechnology transfer account.

For independent agencies, the mark provides: $67 million for the Denali Commission; $65.5 million for the Appalachian Regional Commission; $12 million for the Delta Regional Authority, an increase of $6 million over the President's request; and $734 million for the Nuclear Regulatory Commission, an increase of $41 million over the current year level.

Mr. President, to reiterate, I suggest there are many here worried about water projects and the Corps of Engineers. This is the bill for all American water projects, the Corps, the Bureau of Land Management, and any others. This bill funds that at a level of $1.8 billion. That is $130 million more than the President and $63 million more than current level.

This bill covers the Department of Energy. It covers all of the stockpile stewardship activities. It covers nonproliferation activities. That is one for which the President has asked for substantial money.

Renewable R&D is in this bill with very substantial funding. There is nuclear research and development and, most importantly, we have substantially increased basic science research. This bill and this Department does a little more than one-third of the entire Nation's basic science funding. We thought this was a year to increase it, not decrease it. We have been told this is a time to increase it because we have increased funding for health sciences over the past 10 to 12 years but not basic science. We found money from other places to increase that.

This bill also includes money for nuclear waste disposal. That has been very difficult. It also has Yucca Mountain and has the cleanup. It also has three or four independent agencies.

Mr. REID. Mr. President, I rise in support of the fiscal year 2006 Energy and Water Appropriations Act as reported by the Committee on Appropriations on June 14, 2006.

This is a good bill, one that is fair to all of our Members and one that I am pleased to support. There is always more that can be done, but, given fiscal realities, this is a great effort. Chairman DOMENICI deserves enormous credit for putting together such a comprehensive and far-reaching bill.

My staff tells me that we have added nearly $1.5 billion to this bill. I find that figure to be misleading. The vast majority of the dollars we have added to this bill have been used to undo budget gimmicks that were, as usual, submitted with the administration's request and that Congress has wisely chosen to reject.

More importantly, this bill corrects oversights and large-scale neglect on the part of the administration, particularly in regards to the U.S. Army Corps of Engineers.

When the administration sends up a budget that not only deletes the priorities of Congress, but also deletes their own priorities of just a few months ago, something is wrong.

Fully 65 percent of the funds added to this bill have been spent within the U.S. Army Corps of Engineers, mostly to try to restore cuts that would halt construction on hundreds of projects nationwide. Many of the construction projects slated for termination are in their final year of construction.

Only OMB could dream up a budget request that would forego tens of millions of dollars in future economic benefits to save a couple of bucks this year.

Chairman DOMENICI and I have heard our colleagues with unmistakable clarity:

Our Members want flood control projects to protect their citizens.

Our Members want navigation projects to allow goods and services to more easily get into the international marketplace.

Our Members want rural water projects that will allow rural Americans to have access to the same safe drinking water that our citizens in cities and suburbs take for granted.

We have heard our colleagues, and we have acted. My only regret is that we could not do more.

I am also delighted with the emphasis that Chairman DOMENICI has placed on science in this bill.

The Energy and Water bill contains one of the largest pots of funding for long-term research and development in the physical sciences to be found anywhere in our Federal Government. In fiscal year 2006, we will invest over $3.7 billion in DOE's Office of Science, $240 million more than the request.

The administration's request reduced user time on national science facilities to as few as zero to 5 weeks in many cases.

That is ridiculous. Year after year Congress shells out tens if not hundreds of millions of dollars to build world class scientific user facilities, such as the Spallation Neutron Source and others, and then the administration does not even bother to fund their operation. It just strikes me as amazingly short-sighted and disappointing.

However, I am very pleased that we have been able to restore optimum operations at all of these facilities nationwide without harming any of the other base programs.

Our bill also provides impressive funding for research and development in renewable energy, fossil energy, and nuclear energy. All in all, this is a balanced bill that will help us improve our Nation's energy future on many different fronts. As we all know, Chairman DOMENICI was able to send a comprehensive energy bill into conference earlier this week and that is a huge accomplishment. However, it is in this bill, the Energy and Water Appropriations Act, that the actual funding for energy research and development can be found. Authorizations are nice, but appropriated dollars are better.

As always, I would like to take a moment before wrapping up to thank the Energy and Water Subcommittee staff

for their fine work on this bill. First, Chairman DOMENICI hired a new clerk this year, Scott O'Malia. As always, the transition between clerks has been seamless. Also thanks to Emily Brunini who joined the subcommittee last year from Chairman COCHRAN's staff.

Roger Cockrell has had the unenviable task of working on water for both the majority and minority this year and has done an outstanding job for all 100 Members. I look forward to him returning to my staff next year.

Finally, thanks to Drew Willison and Nancy Olkewicz of my staff. They both do a great job for me on this bill, and Nancy also works for Senator DURBIN on the legislative branch bill.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1085

Mrs. FEINSTEIN. Mr. President, on behalf of Senators KENNEDY, FEINGOLD, DORGAN, LEVIN, WYDEN, CLINTON, MIKULSKI, LAUTENBERG, BOXER, REED, HARKIN, and BIDEN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. LEVIN, Mr. WYDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. REED, Mr. HARKIN, and Mr. BIDEN, proposes an amendment numbered 1085.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for the Robust Nuclear Earth Penetrator and utilize the amount of funds otherwise available to reduce the National debt)

At the appropriate place, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.—None of the funds appropriated or otherwise made available by this Act may be used for any purpose related to the Robust Nuclear Earth Penetrator (RNEP).

(b) UTILIZATION OF AMOUNT FOR REDUCTION OF PUBLIC DEBT.—Of the amounts appropriated by this Act, an amount equal to the amount of funds covered by the prohibition in subsection (a) shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

Mrs. FEINSTEIN. Mr. President, I was 13 years old when I saw this picture. When we discuss nuclear weapons, this is the picture I remember. The only country on Earth that has ever used nuclear weapons is our own. It has been debated ever since whether this was positive because it saved American troops and ended the war or whether it has launched our country and other countries into a race which well could prove disastrous for all of us.

This is a photograph of Hiroshima after the nuclear bomb was dropped on the city on August 6, 1945. Mr. President, 80,000 people died from the initial blast and 60,000 people died from radiation poisoning, for a total of 140,000 people dead. And that bomb was 15 kilotons.

The second photograph is of Nagasaki after August 9, 1945. Approximately 75,000 of the city's 240,000 residents were killed instantly. In total, approximately 100,000 people died in the blast.

I rise today once again to address a critical issue that is related to the security of the American people and our nuclear proliferation efforts: the renewed push by this administration to reopen the nuclear door, including funding for a 100-kiloton nuclear bunker buster.

I have argued this on the Senate floor before, that such actions, combined with the policy of unilateralism and preemption, run counter to our values and nonproliferation efforts and put U.S. national security interests and American lives at risk. Therefore, those of us who are cosponsors of this amendment wish to delete the $4 million, for the study and development of the robust nuclear earth penetrator. The amendment redirects the funds for debt reduction.

The time has come for this Senate, like the House has done in this bill, to send a clear and unambiguous message to the White House and the Pentagon: We will not support funding for programs to develop new nuclear weapons.

Congress made a strong statement last year in deleting funding for the development of this nuclear bunker buster by eliminating $27.5 million for the bunker buster, $9 million for the advanced concepts initiative, which included the study of the development of low-yield weapons. This action was due in no small part to the leadership of Representative DAVID HOBSON, chairman of the House Appropriations Energy Committee. The House took a strong position of opposition and they are to be commended.

In fact, the House removed new nuclear weapons from all bills, including the Fiscal Year 2006 Defense authorization bill, the Fiscal Year 2006 Defense appropriations bill, and the 2006 Energy appropriations bill. This was a consequential victory for those of us who believe the United States sends the wrong signal to the rest of the world by reopening the nuclear door and beginning the testing and development of a new generation of nuclear weapons. That is why I was so disappointed to learn that the administration requested funds this year to resume the nuclear earth penetrator study.

As a matter of fact, this year Secretary Rumsfeld asked the Department of Energy to place the $4 million in the energy budget and $4.5 million in the defense budget, thereby splitting the amount requested for the bunker buster. He hoped to weaken opposition and split the budget between two Departments so that if it could not get funding in one, he could get it in the other. The House had the foresight to reject this idea and has reasserted its determination not to move forward with the bunker buster study.

During its markup on the 2006 Defense authorization bill, the House Armed Services Committee eliminated all the Department of Energy funding for the RNEP, and transferred the $4 million to the Air Force budget for work on a conventional nonnuclear version of the bunker buster. The House Armed Services Committee member, SILVESTRE REYES, stated: The committee took the ''N,'' or ''nuclear,'' out of the RNEP program.

Following the Armed Services Committee action, Chairman HOBSON and Representative ELLEN TAUSCHER led the effort to eliminate the Department of Energy funding of $4 million for the bunker buster in its markup in the 2006 Energy and Water appropriations bill. That bill also eliminated funding for the modern pit facility and banned site selection for the facility in 2006.

Finally, the House 2006 Defense appropriations bill limits research for a bunker buster to a conventional program. These three actions by authorizers and appropriators, Republicans and Democrats alike, have dealt another blow to the administration's plans to develop new nuclear weapons and reinforced the clear intent of Congress that we should not go down that path because it will only encourage the very proliferation we are trying to prevent.

Why should the Senate continue to fund programs that are rapidly losing support in the House and the administration? Now the Senate has an opportunity to follow the House's lead. Senator KENNEDY and I and others have come to the floor to offer this amendment to do just that.

During previous debates on this issue, we have argued that according to the laws of physics, it is simply not possible for a missile casing on a nuclear warhead to survive a thrust into the earth to take out a hard and deeply buried military target without spewing millions of tons of cubic feet of radiation into the atmosphere. Consider this: A 1-kiloton nuclear weapon detonated 25 to 50 feet underground would dig a crater the size of Ground Zero in New York and eject 1 million cubic feet of radioactive debris into the air.

Given the insurmountable physics problems associated with burrowing a warhead deep into the earth, one would need a weapon with more than 100 kilotons of yield to destroy an underground target at a depth of 1,000 feet.

Now let me explain. The maximum feasible depth of a bunker buster is 35 feet. At that depth, a 100-kiloton bunker buster would scatter 100 million cubic feet of radioactive debris into the atmosphere. There is no known missile casing that can survive a 1,000-foot thrust into the Earth and avoid overwhelming and catastrophic consequences. That is a fact. There is not a single scientist who will say that.

The head of the National Nuclear Security Administration agrees.

At the March 2, 2005, House Armed Services Strategic Forces Subcommittee, Congresswoman ELLEN TAUSCHER asked Ambassador Linton Brooks, the following question:

> I just want to know is there any way a [robust nuclear earth penetrator] of any size that we would drop would not produce a huge amount of radioactive debris?

The Ambassador replied:

> No, there is not.

When Congresswoman TAUSCHER asked him how deep he thought a bunker buster could go, he answered:

> . . . a couple of tens of meters, maybe. I mean certainly—I must apologize for my lack of precision if we in the administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the law of physics will ever let that be true.

Here is the head of the National Nuclear Security Administration saying there is no way one can drive a missile casing deep enough to prevent radioactive spewing.

Let me just show what this means. For a 100-kiloton weapon, one would have to drive it 800 feet deep into the earth to contain the nuclear fallout. One can only drive it a small distance: 35 feet. So the result is 1.5 million tons of radioactivity. If it is 5 kilotons, one would have to drive it 320 feet. One could only drive it 35 feet. The spewing of radioactive debris is 200,000 tons. If it is 1 kiloton, one would have to drive it 220 feet. One could only drive it 35 feet and the radioactivity is 60,000 tons. If it is .2 kilotons, one would have to drive it 120 feet. One can only drive it 35 feet, and the radioactive spewing is 25,000 tons.

This is not from me. This is the National Academy of Sciences, nuclear scientists, physicists, the head of the National Nuclear Security Administration. There is widespread agreement about this. So why are we doing it?

On April 27, the National Academies of Sciences study commissioned by Congress to study the anticipated health and environmental effects of the Nuclear Earth Penetrator Weapon found that current experience and empirical predictions indicate that the Earth-penetrating weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. It would take a 300-kiloton weapon at a penetration of 3 meters, or 10 feet, to destroy hard and deeply buried targets at 200 meters, or 656 feet.

To destroy a hard and deeply buried target at 300 meters you would need a 1-megaton weapon—not kiloton, megaton. The number of casualties from an Earth penetrator weapon detonated at a few meters depth is, for all practical purposes, equal to that of a surface burst of the same weapon yield.

That is what the National Academies of Sciences studies say. For attacks near or in densely populated areas, using Nuclear Earth Penetrator Weapons on hard and deeply buried targets, the number of casualties can range from thousands to more than a million, depending primarily on weapon yield.

The bottom line is that a bunker buster cannot penetrate into the Earth deeply enough to avoid massive casualties and the spewing of millions of cubic feet of radioactive materials into the atmosphere. It would result in the death of up to a million people or more if used in a densely populated area.

This chart shows that. The source is the National Resources Defense Council and the EPA. What it shows is the predicted radioactive fallout from a B61–11 300-kiloton explosion in West Pyongyang, North Korea, using historical weather data for the month of May.

Here is the blast, here is Seoul, here is the radioactive fallout.

Why are we doing this? It makes no sense.

I think this is the strongest evidence to date that we should not move forward with this study and that we should put a stop to it once and for all. In reality, this has never been about a study. It has been about the intent of this administration to develop new nuclear weapons. While the administration is silent this year on how much it plans to spend on the program in the future, last year's budget request totaled $485 million on the robust nuclear earth penetrator over 5 years. This 5-year figure was omitted this year.

Let's look, for a brief moment, at the policies underlying this request, for they, too, have not been changed. The 2002 Nuclear Posture Review places nuclear weapons——

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

Mrs. FEINSTEIN. Mr. President, I yield myself another 5 minutes.

The 2002 Nuclear Posture Review places nuclear weapons as part of the strategic triad. Therefore, the aim is to blur the distinction between conventional and nuclear weapons. This makes them easier to use.

National Security Directive 17 indicates that the United States would engage in a first use of nuclear weapons—a historic statement in itself. We have never had a first-use policy. We have always had strategic ambiguity, but we have never before said we would ever countenance a first use of nuclear weapons. In Security Directive 17 it is said in response to a chemical or biological attack—and seven nations are actually named—we would consider a nuclear response. In essence, these policies encourage other nations, and they have encouraged North Korea and they have encouraged Iran—those are two of the nations suggested—to develop their own nuclear weapons, thereby putting American lives and our own national security interests at risk.

We are telling the world, when it comes to nuclear weapons: Do as we say, not as we do. I object to that policy. It is hypocrisy.

There are alternatives. I have just been briefed by Northrop Grumman on a program they are working on with Boeing to develop a conventional bunker buster, the Massive Ordnance Penetrator, which is designed to go deeper than any nuclear bunker buster and take out 25 percent of underground and deeply buried targets. This 30,000-pound weapon, 20 feet in length, with 6,000 pounds of high explosives, will be delivered from a B–2 or a B–52 bomber. It can burrow 60 meters into the ground through 5,000 psi of reinforced concrete. It will burrow 8 meters into the ground through 10,000 psi reinforced concrete.

We have already spent $6 million on this program, and design and ground testing are scheduled to be completed next year.

We should focus on conventional programs. The House has said this. The Senate should concur.

We have a solemn obligation to spend our resources in the most effective manner and to make this country safer and more secure. That is why I am so concerned about this administration's decision to come back to Congress and request additional funds for new nuclear weapons.

I would like to give my kudos and congratulations to the House of Representatives. They truly have their heads on straight. I am delighted that they have eliminated the authorization and the funding for this entire program in the 2006 appropriation. I urge us to do the same on just one part of this, which is the nuclear bunker buster, $4 million.

I yield 15 minutes to the distinguished Senator from Massachusetts, Senator KENNEDY.

Mr. KENNEDY. I thank the Senator. I think I had consent for a half-hour. I do not expect to use it all.

Mrs. FEINSTEIN. The Senator is right. I change that to a half-hour.

Mr. KENNEDY. First, I commend my friend and colleague, Senator FEINSTEIN, for her attention to this issue. She has long been an advocate for sensible and responsible nuclear arms policy. Again, this evening, she is leading the way in the Senate. All of us are grateful for her leadership. I welcome the opportunity to join with her in offering this amendment.

It is intended to reverse a reckless proposal by the Bush administration to develop a new generation of nuclear weapons.

We do not ''provide for the common defense,'' as called for in our Constitution, by launching a new nuclear arms race and making the world more dangerous, but that is precisely what the administration plans to do.

President Bush and Secretary Rumsfeld want to develop a new tactical nuclear weapon called the robust nuclear earth penetrator, and their hope is that these bunker busters can crash deep into the Earth and destroy bunkers and weapons caches. They hold the dangerous and misguided belief that our Nation's interests and values are served by developing what they consider a more easily usable nuclear bomb.

I think most Americans believe that is wrong. Our challenge in addressing nuclear nonproliferation issues is not that there are too few nuclear weapons in the world but that there are too many; not that they are too difficult to use but that they are too easy to use.

North Korea has them and is rattling its nuclear saber every day. Iran is moving forward on the development of nuclear capability. We all hope and pray that al-Qaida and other terrorist groups never ever get their hands on a nuclear weapon.

So why on Earth, in this dangerous nuclear world, with the specter of a nuclear cloud at the hands of terrorists and rogue states, should the United States be adding more nuclear weapons to the global arsenal? What moral authority do we have to ask others to give up their nukes if we are determined to develop a new generation of nuclear weapons of our own?

For the past 2 years, Congress has raised major doubts about the program and significantly cut back on its funding. But the administration still presses forward for more work on these robust nuclear earth penetrators. Last year, the administration requested $15 million for it and Congress reluctantly provided half that amount. For 2005, they requested another $27 million and submitted a 5-year request for nearly $500 million. But cooler heads prevailed, and the House Appropriations Committee rejected the request. As the committee report stated,

> The Committee continues to oppose the diversion of resources and intellectual capital away from the most serious issues that confront the management of the nation's nuclear deterrent . . . The Committee remains unconvinced by the Department's superficial assurance that the RNEP activity is only a study . . . The Committee notes that the management direction for the fiscal year 2004 sent to the directors of the weapons design laboratories left little doubt that the objective of the program was to advance the most extreme new nuclear weapon goals irrespective of any reservations expressed by Congress.

This year, nothing has changed. The FY06 budget request from the President includes $4 million for the Department of Energy to study the bunker buster and $4.5 million to the Department of Defense for the same purpose. Thankfully our colleagues in the House were wiser and decided to eliminate its funding.

The administration obviously is still committed to this reckless approach. Secretary Rumsfeld made his position clear in January, when he wrote to Secretary Abraham:

> I think we should request funds in FY06 and FY07 to complete the RNEP study . . . You can count on my support for your efforts to revitalize the nuclear weapons infrastructure and to complete the RNEP study.

The fiscal year 2006 budget requests funds only to complete the feasibility study for these new nuclear weapons. But we already know what the next step is. In the budget they sent us last year, the administration stated in plain language that they intend to develop it.

Ambassador Linton Brooks, the head of the National Nuclear Security Administration, claims those future budget projections are merely placeholders, ''in the event the President decides to proceed with development and Congress approves.'' But their fiscal year 2005 budget clearly shows the administration's unmistakable intention to develop, and ultimately produce, this weapon.

The Bush administration would like us to believe that this is a clean, surgical nuclear weapon. They say it will burrow into underground targets and destroy them with no adverse consequences for the environment. They can believe all they want, but the science says their claims are false.

The National Academy of Sciences confirms exactly what most of us thought—that these nuclear weapons, like other nuclear bombs, result in catastrophic nuclear fallout. The fallout can poison tens of millions of people and create radioactive lands for years and years to come.

The study goes on to say, ''Current experience and empirical predictions indicate that earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. . . .

To be fully contained, a 300 kiloton weapon would have to be detonated at the bottom of a carefully stemmed emplacement hole about 800 meters deep. Because the practical penetration depth for an earth penetrating weapon is a few meters—a small fraction of the depth for the full containment—there will be blast, thermal, initial nuclear radiation, and fallout effects from use of an EPW.

This chart simulates the likely nuclear fallout from a one megaton bunker-buster detonated at a hypothetical underground target 20 kilometers east of an Iranian air force base in Dezful. This model uses the same simulation program as the Pentagon's Defense Threat Reduction Agency. During summer months, the nuclear fallout is predicted to travel 150 to 200 miles, across Iraq and Saudi Arabia. The radiation could kill up to 650,000 people.

Even the person in charge of the program, Linton Brooks, conceded at a House Armed Services Committee Hearing on March 2 that the robust nuclear earth penetrator could not be used without significant nuclear fallout. He stated:

> I really must apologize for my lack of precision if we in the Administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the laws of physics will ever let that be true.

This chart depicts a 400 kiloton bunkerbuster hitting underground facilities at North Korea's Air Base at Nuchon-ni. Fallout from this explosion would blow southeast across the DMZ towards Seoul. This attack could kill over 4 million people.

Even if the United States were willing to accept the catastrophic damage a nuclear explosion would cause, the bunkerbuster would still not be able to destroy all of the buried bunkers the intelligence community has identified.

So we would have a new bomb that can kill and poison tens of millions of civilians, spread fallout for more than a thousand miles, make their lands radioactive, but still not destroy its target.

The huge, one megaton weapon that the administration is contemplating cannot reach deeper than 400 meters. All an adversary would have to do is bury its bunker below that depth.

Bunkerbusters also require pinpoint accuracy to hit deeply-buried, hardened bunkers. This requires precise intelligence on the location of the target. As the National Academy Study emphasized, an attack by a nuclear weapon would be effective in destroying weapon or weapons materials, including nuclear materials and chemical or biological agents, only if it's detonated in the actual chamber where the weapons or materials are located. Even more disturbing, if the bomb is even slightly off target, the detonation may cause the spread of such deadly chemicals and germs, in addition to the radioactive fallout.

As we know from the Iraq experience, our intelligence isn't always accurate. In fact, the Bush administration told us there were weapons of mass destruction and there and we had to send in troops to take them out. If we had robust nuclear earth penetrators at the time, what if this White House had used them against suspected chemical or biological bunkers—which turned out not to exist? Charles Duelfer, the head of the Iraqi Survey Group, shows us how dangerous this approach could have been when he told the Senate Armed Services Committee last October that, we were almost all wrong on Iraq. Despite the administration's claims, Mr. Duelfer's Comprehensive Report on Iraq's WMD stated, ''There are no credible indications that Baghdad resumed production of chemical weapons.

The intelligence community still faces many challenges in getting its intelligence right. In their report in March for the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Laurence Silberman and Chuck Robb found that The flaws we found in the Intelligence Community's Iraq performance are still all too common. In some cases, it knows less now than it did five or ten years ago.

How can we contemplate using a weapon of this destructive power, if our intelligence can't guarantee where an underground target really is?

Finally, if it were clear that this weapon is needed to protect our troops, then I believe many more in Congress would support it. But that's not the case. At the House Armed Services

Committee hearing in March, program chief Linton Brooks once again was asked if there was a military requirement for the bunker buster. He stated categorically, No, there is not.

Robert Peurifoy, the retired Vice President of Sandia National Laboratory, one of our premier nuclear weapons labs, had this to say: If you can find somebody in a uniform in the Defense Department who can talk about the need for nuclear bunker busters without laughing, I'll buy him a cup of coffee. It's outlandish. It's stupid. It is an effort to maintain a payroll at the weapons labs.

The administration's effort to build a new class of nuclear weapon is only further evidence of their reckless nuclear policy. This action contradicts the spirit of our obligations under the nonproliferation treaty to disarm our stockpiles.

It demonstrates the administration's contempt for the nuclear nonproliferation treaty, the foundation of all current global nuclear arms control. The nonproliferation treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation does not extend the five nations that nations lan possessed nuclear weapons at the does not extend beyond the five nations that possessed nuclear weapons at that time—the United States, Great Britain, the Soviet Union, China, and France. It reflected the worldwide consensus that the greater the number of nations with nuclear weapons, the greater the risk of nuclear war.

The Bush administration's policy jeopardizes the entire structure of nuclear arms control so carefully negotiated by world leaders over the past half century, starting with the Eisenhower administration. This is just another example of the administration's Do as I say, not as I do policy.

How can we ask Iran and North Korea to halt their nuclear research, when we fail to halt our own? By proceeding with the Robust Nuclear Earth penetrator, we are headed in the wrong direction. Our efforts will only encourage other nations to follow our example and produce nuclear weapons of their own.

We have studied this issue long enough. It is ridiculous for the administration to try to keep this program going, and it could be suicidal for the Nation and for our troops. If we need this kind of weapons system, we ought to follow the conventional weapons research that is being undertaken and not support this proposal. I hope the Senate will reject it.

Mr. President, I yield the time back to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Massachusetts. I thought the remarks were excellent. I think they were really right on. The tragedy of this is that people do not listen. I hope, Senator KENNEDY, your words were heard.

Mr. President, I yield 15 minutes to the Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senators from California and Massachusetts and others who have come to the floor at this late hour to argue and debate an issue which is so critical to the security of this Nation.

We will be a lot less secure if we go down this nuclear road. We know other countries are going down the nuclear road. We know we are even threatening those countries—such as Iran and North Korea—that we will not let them go down that road. We are even holding out the prospect that they would be the subject of military attacks if they go down the nuclear road.

But at the same time we are doing this, that we are telling the world, we are telling Iran, we are telling North Korea, ''Do not walk down that nuclear road,'' the administration is proposing to take another step down our nuclear road. It is a decision which, if upheld by this body, will make us less secure. It will make it more likely that North Korea and Iran will say to us, and say to the world: The United States threatens us if we go to nuclear weapons, but they themselves are relying more and more and more on nuclear weapons.

The administration has asked for $4 million to restart the feasibility study for the robust nuclear earth penetrator. I emphasize ''restart'' because we ended this mistake in fiscal year 2004. We should not restart this. We did not need it in 2005. We do not need it in 2006.

The $4 million that the Department of Energy seeks for fiscal year 2006 will not finish the study. An additional $14 million will still be needed in fiscal year 2007, just to finish the RNEP study.

What is it that the Department of Energy wants to study? What is the weapon they want to study? What is the RNEP appropriation for? It is to look at modification of a nuclear bomb called the B83. That is what is being looked at as a possible earth-penetrating weapon, the RNEP. The B83 is a large nuclear bomb. It is huge. It has a maximum yield on the order of 1 megaton. And 1 megaton is the equivalent of 71 Hiroshima bombs.

So the weapon they are looking at, or want to look at, to modify for this function, is a bomb that has the power, the yield, as they call it, of 71 Hiroshima bombs. The goal of that feasibility study is to increase the penetrating capability of the B83. The yield, the power, of the B83, would stay the same. That is not being reduced. So the idea is to see whether or not that B83—that bomb with the power of 71 Hiroshimas—can be made to penetrate the earth.

According to the report of the National Academy of Sciences, it will not be possible, no matter how good the design. The deepest that an RNEP could ever penetrate is about 12 feet. And when an RNEP detonates at 12 feet, 12 feet in the earth, it will generate, according to the National Academy of Sciences, more fallout than if it were exploded in the air. So if we go down this road, we will be looking at a weapon which cannot penetrate deeper than 12 feet in the earth and will have greater fallout than if it were exploded in the air, according to the National Academy of Sciences.

We talk about collateral damage as though it is some kind of a cold term. This is damage which is so massive. We think of a weapon 71 times the size of Hiroshima, with more fallout than if it were exploded in the air, which—no matter what its design; even if this study is successful—cannot penetrate more than about 12 feet in the ground, and we are telling the rest of the world, ''Do not go down that nuclear road,'' when we ourselves are thinking—thinking—about designing a weapon which has that kind of a power and that kind of a fallout.

It is not the hundreds of millions of dollars which this would cost to implement, assuming this study is completed, it is the absurdity, it is the utter nonsense, it is the danger to U.S. security that would be created if we take this step down the road, telling the world: Do not do what we urge you to do because we are not doing it ourselves. That is the message. We can tell the world, Do not do it, do not go nuclear, but what they are going to say to us is: Hey, you are going nuclear further than you already are. You are modifying weapons to try to make them ''usable'' against deeply buried targets. And you are telling us and the rest of the world we should not go nuclear when you are looking for more and more uses for nuclear weapons?

We asked the National Academy of Sciences to look at this program. We asked them how much yield would an RNEP have to have to hold a deeply buried target at risk, and what would the effects be of using an RNEP? So the Academy reviewed the universe of hard and deeply buried targets and found you would have to have a huge yield to have any effect on deeply buried targets. What the Academy concluded was that yields in the range of several hundreds of kilotons to a megaton are needed to effectively hold hard and deeply buried targets at risk.

This report was issued this year, in April of 2005. What it said is that to be effective against a target 1,000 feet deep, an RNEP would have to have a yield of 1 megaton.

There are 10,000 hard and deeply buried targets in the world, about 10,000. According to the National Academy of Sciences, 2,000,—2,000—of those targets would have some strategic significance. But the Academy finds that on the order of only about 100 deeply buried targets would be potential targets for RNEP. And many others—many others—would be too deep to even reach with a 1-megaton yield such as RNEP has.

So what this study would have us do is spend more millions, take us down a road which endangers us because of the message it sends to countries that are contemplating nuclear weapons. It endangers our security to study a weapon that cannot succeed in achieving its goal of hitting many deeply buried targets. And it would have an extensive fallout because of its huge size, 71 times the size of Hiroshima.

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

Mr. LEVIN. I would be happy to yield.

Mr. WARNER. My distinguished colleague on the Armed Services Committee is fully aware that we have worked on this matter for several years. There is an existing law that we passed on our bill. But the simple, basic, elementary thing here is we are talking about a study. And our distinguished colleagues from California, Massachusetts, and yourself make allegations of a lot of facts. What is the harm in getting the study? The study may confirm the very facts, and then the Senate is well informed. And the Congress must pass on any dollars before this thing proceeds to a full test situation.

The PRESIDING OFFICER. The Senators are advised to ask their questions through the Chair.

Mr. WARNER. Mr. President, I am sorry, I did not hear the ruling of the Chair.

The PRESIDING OFFICER. The Senators are advised to address their questions through the Chair, not directly from Senator to Senator.

Mr. WARNER. The Presiding Officer is most correct. I extend my apologies to the Presiding Officer of the Senate.

Mr. President, I asked if the Senator would yield for a question. I thought I said that.

Mr. LEVIN. I am happy to yield for a question.

Mr. WARNER. Why not have the study so the Senate and the Congress can all be well informed? And it will either verify or there will be a denial of the assertions made by our three colleagues who are in opposition, and possibly a fourth.

It is interesting. We modified one of the weapons during the Clinton administration, and it was approved by that administration. But it was later determined that that weapon could not effectively deal with a hardened silo. I ask my good friend the question.

Mr. LEVIN. I thank my friend from Virginia for the question. First of all, it is not three Senators who are making these assertions. It is the National Academy of Sciences which has made these assertions we are quoting. That is No. 1. No. 2, the message which is being sent by going down this road endangers the security of the United States. We are telling other countries—North Korea, Iran—do not go nuclear. That is our message. It is a very clear message. The President is even threatening military action. He is saying he is going to have to put that option on the table if they go nuclear. Then at the same time the administration wants to restart a program, the program in this case being a study of a deeply penetrating nuclear weapon that has 70 times the power of Hiroshima in order to get to deeply buried targets. There are 10,000 of those targets, according to the National Academy of Sciences, and perhaps 100 of them would be held at risk by this weapon.

So the idea that we are taking another step—you call it a study, but it is a step down the road, because the purpose of the study is to at least consider doing something. What we are saying, what the National Academy of Sciences has said, is this cannot accomplish its purpose. It will have a huge fallout. And what we are saying is the possibility that you could ever consider doing this is so far outweighed by the danger to us, by the message which is being sent to the world, that we are walking down a road we are telling others do not walk. That is the danger.

Mr. WARNER. In reply to my colleague, I refer to a letter from the Secretary of State a year ago: Dear Mr. Chairman—addressed to me—I am writing to express support for the President's 2004 budget request to fund the feasibility and cost study for the robust nuclear earth penetrator and to repeal the legislation that prohibits the United States from conducting research and development on low-yield nuclear weapons. I do not believe that these legislative steps will complicate our ongoing efforts with North Korea. And he goes on to explain the North Koreans will not be in any way deterred by this action of the United States to have a study.

Mr. LEVIN. I would expect the administration would say something like that. But common sense tells us otherwise. Common sense tells you that if you are sitting down with people, in this case the Europeans, telling them we have to try to persuade Iran, don't go down that road, with the Japanese and the Russians and the Chinese sitting down with the North Koreans, do not go down that road, each of us has some experience as human beings. It seems to me it is absolute common sense that we will be confronted by those countries saying: You are lecturing us, threatening us, when you yourself are now looking at the possibility of redesigning a weapon 70 times the size of Hiroshima so that you can more deeply penetrate into the ground. It undermines our position. It weakens our position. It seems to me that means it weakens our security.

Mr. WARNER. Mr. President, I could only say to my distinguished colleague, the Secretary of Defense Colin Powell, a man who has been held in high esteem by this body, disagrees respectfully with my good colleague from Michigan. But the effect of denying a study on this is simply saying to the world, where there are countries proceeding with nuclear programs, you can go deep. There is no deterrence on the horizon. It is off limits, and you can do as you wish and go deep, and you can then conceal your programs from the eyes of the world and there is no deterrence for them to go deep.

Mr. LEVIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. LEVIN. I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. DOMENICI. Will the Senator yield?

Mrs. FEINSTEIN. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1088 THROUGH 1096, EN BLOC

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer a managers' amendment which has been cleared on both sides.

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

Mr. DOMENICI. I send to the desk a series of amendments, all of which have been approved on both sides, some of which are technical, some are otherwise, but there are no objections.

The PRESIDING OFFICER. Is there objection to consideration of the amendments en bloc?

Without objection, it is so ordered.

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1088 through 1096) were agreed to, as follows:

AMENDMENT NO. 1088

(Purpose: To maintain funding for the Department of Energy Clean Cities Program at its current level)

At Page 80, after the provision for Clean Coal Technology, insert the following:

CLEAN CITIES PROGRAM

Funding for the Clean Cities program may be provided at no less than the current year level. Within the Clean Cities program, funding for work to expand E–85 fueling capacity may also be maintained at no less than the current year level.

AMENDMENT NO. 1089

(Purpose: To provide funds for sea lamprey barrier construction in the Great Lakes)

On page 66, between lines 18 and 19, insert the following:

SEC. 1____. Of funds made available to carry out section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Chief of Engineers may use $1,500,000 for sea lamprey barrier construction in the Great Lakes.

AMENDMENT NO. 1090

(Purpose: Provide funds for Saco River project)

At the appropriate place, insert the following:

SEC. ____. $150,000 may be provided for Saco River and Camp Ellis Beach, Maine, continuing authorities project.

AMENDMENT NO. 1091

(Purpose: Provide dredging funds for the Narraguagus River)

At the appropriate place, insert the following:

SEC. ____. $2,000,000 may be provided for maintenance dredging of the Narragaugus River, Milbridge, ME.

AMENDMENT NO. 1092

(Purpose: Provide funding for a reconnaissance study)

At the appropriate place, insert the following:

SEC. ____. $100,000 may be provided for the Penobscot River Restoration Study, ME.

AMENDMENT NO. 1093

(Purpose: To set aside funds to initiate preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii)

On page 68, line 22, before the period, insert the following: ": *Provided further*, That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than $200,000 to initiate, preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii".

AMENDMENT NO. 1094

(Purpose: to provide funding for Advanced Scientific Computing Research)

On page 86, line 17; insert after "expended" the following:

: *Provided*, That $250,055,000 is appropriated for the Advanced Scientific Computing Research: *Provided further*, That $43,000,000 may be provided to the Center for Computational Sciences at Oak Ridge National Laboratory: *Provided further*, That $500,000 may be provided to the Medical University of South Carolina: *Provided further*, That $500,000 may be provided to the Community College of Southern Nevada Transportation Academy: *Provided further*, That $3,000,000 may be provided to South Dakota State University.

AMENDMENT NO. 1095

(Purpose: Making technical corrections for NNSA security)

In the Bill, strike everything after "buses;" on page 90, line 14, and replace with: $6,574,024,000 to remain available until expended: *Provided*, That the $65,564,000 is authorized to be appropriated for Project 01–D–108, Microsystems and Engineering Science Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, that $65,000,000 is authorized to be appropriated for Project 04–D–125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,729,066,000 to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $645,001,000, to remain available until expended.

On page 55, line 3, strike all after the colon to the end of the section and insert the following:

"in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.".

On page 84 of the bill, line 18, strike "$36,000,000" and insert in lieu thereof "$46,000,000".

On page 105, line 3, insert the following:

SEC. ____. That the Committee directs the Government Accountability Office to undertake a study of the Office of Science Fusion Energy program in order to define the roles of the major domestic facilities, DIIID, Alcator C–Mod, and NSTX in the support of the International Thermoelectric Reactor program, including making recommendations that may include the possible shutdown or consolidation of operations or focus of these facilities to maximize their value to the International Thermoelectric Reactor program: *Provided*, That given the major international commitment to International Thermoelectric Reactor and the tokamak concept, the GAO shall consider any other magnetic fusion confinement system as a possible fusion demonstration facility that will follow International Thermoelectric Reactor and given the major National Nuclear Security Administration investment in the physics of Inertial Confinement Fusion, the GAO shall evaluate the opportunities for the Office of Science to develop the appropriate science and technology to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

AMENDMENT NO. 1096

(Purpose: To limit the use of funds for fully-funded contracts)

On page 109, between lines 2 and 3, insert the following:

SEC. 5_____. None of the funds made available by this or a prior Act shall be used to award a fully-funded continuing contract, in a case in which continuing contract authority is applicable, unless the Chief of Engineers certifies that—

(1) the contract can be awarded and completed in the same fiscal year;

(2) the contract can be completed shortly after the end of the fiscal year in which the contract was awarded, but only if the amount necessary to fully fund the contract is identified as surplus, or excess, to the program needs of that fiscal year; or

(3) future funding for the project is uncertain.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TANF EXTENSION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3021 which was received from the House.

Mr. SESSIONS. Reserving the right to object, is this the TANF?

Mr. FRIST. This is the TANF extension.

Mr. REID. Mr. President, it is my understanding it is a 3-month clean extension.

Mr. FRIST. That is correct.

Mr. SESSIONS. I have no objection.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3021) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3021) was read the third time and passed.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART II

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3104 which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3104) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

Mr. FRIST. Mr. President, 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 (H.R. 3104) was read the third time and passed.

Mr. FRIST. I appreciate the courtesy of the manager and ranking member, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, there is a desire for back and forth. That is perfectly fine with me. I think the Senator from Arizona wanted to say something, and then if we could go to the Senator from New York.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this debate has been held before, as has been noted. About a year ago, a similar amendment was defeated by a vote of 55 to 42 in this body. I urge my colleagues to defeat the amendment this year as well. The question has been asked about whether we would be going down a road that we would be taking a step toward something—I am not exactly sure—if we were to conduct this study. As my colleague, the distinguished chairman of the Armed Services Committee has noted, this is not the testing of a weapon or even the design of a weapon. This is merely to study the feasibility.

I want to make the point clear, to study the feasibility of what? To study the feasibility of taking an existing warhead and simply providing a different kind of casing for it and a different kind of fuse which would enable it to penetrate deep into the earth and potentially take out something that a potential enemy would have very deep underground.

The deterrent effect of this is obvious. A country that might wish us harm, such as North Korea, for example, that thinks it can bury something deep within the ground because we have no way of getting to it, would no longer be able to pursue that course of action if they understood that we had this kind of a weapon.

It is precisely the point that Secretary Rumsfeld made when he said:

> Countries all across the globe are putting things underground. And we have no capability, conventional or nuclear, to deal with the issue of deep penetrator.

He goes on to say:

> The idea of proceeding with this study is just imminently sensible. And anyone would look back five years from now, if we failed to take a responsible step like that, and feel we'd made a mistake.

General Cartwright, Commander of U.S. Strategic Command, stated before the Armed Services Subcommittee on Strategic Forces:

> We're going to have to have multiple ways by which we can hold [hard and deeply buried targets] at risk. . . . The robust nuclear earth penetrator is one of several capabilities and I think will be necessary.

The point is deterrence. Because we are already a nuclear power under the Nuclear Non-Proliferation Treaty, we are entitled to have nuclear warheads and weapons. We have them. We are not developing any new ones. We would be taking something out of the inventory and putting it into a form which a potential enemy would have to believe could be used against them. It might just prevent some of our potential enemies from going deep, as Senator WARNER has said—from deeply burying things into the ground with the belief and hope that we would never be able to get to it. That is what this study is for. I remind my colleagues that only if the feasibility study demonstrates that it can work, and only if the Nuclear Weapons Council approves its development, and only if Congress authorizes its development could it ever proceed.

So Congress still has at least two opportunities to determine whether or not to proceed with something that has never even been studied. My colleagues seem very certain about the consequences of one of these weapons. They have never even been designed, let alone tested. I think it is a little premature to suggest, with great certainty, exactly what would happen if one of these weapons were ever used. Again, the point is to have the deterrence, not to use the weapons. We have not used anything in our nuclear stockpile. Yet it has provided a great deterrence for this country because an enemy cannot know we will not use it if they ever act against us.

Again, it simply modifies a Clinton administration design of a previous warhead, which was determined could not penetrate the kind of rock, for example, that we believe some of our potential adversaries have. That is why this study to try to find a way, if we could, to be able to penetrate that rock and send a signal to those countries that they ought not try to go deep with their nuclear programs.

Again, there is nothing violative of the nonproliferation treaty because we already have the weapon. We would simply be taking an existing warhead and determining whether or not it could be used for this purpose.

I remind my colleagues, as I said, we already voted on this before. We have defeated this amendment in the past. The Secretary of State, the Secretary of Defense, and the general in command of the U.S. Strategic Forces all have asked that we proceed to fund the $4 million for this study. As Senator WARNER pointed out, what could be wrong with a study to simply determine whether something like this is feasible?

It seems to me that since our military leaders have requested it, since the President requested it, it is up to Congress to fulfill our obligation to provide the resources necessary for the study. As Secretary Rumsfeld said, if we don't do it and one of our adversaries has something deeply buried that we would like to get to and we cannot do it because we don't have this, we would ask ourselves someday why we were not willing to provide this funding for a study.

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

Mr. KYL. Yes.

Mr. SESSIONS. With regard to this feasibility study, the study is really to determine the effect of the casing that we use on nuclear weapons—hardened casing—and how deeply that would penetrate. It is not going to be a feasibility study in which a nuclear weapon would be detonated; is that correct?

Mr. KYL. Mr. President, that is exactly correct. There are no plans—none—to test any kind of nuclear weapon. The study, as the Senator from Alabama has noted, is not to test any kind of nuclear weapon but simply to determine whether or not a casing, and fuse, and the other elements of a weapon could be designed to include an existing nuclear warhead within it in order to have this kind of capability.

I believe my time is up. I inquire of my time.

The PRESIDING OFFICER. The Senator from Arizona has 14 minutes.

Mr. KYL. I believe the agreement was that I had 5 minutes.

Mr. WARNER. I think there may well be——

The PRESIDING OFFICER. The total time in opposition is 14 minutes.

Mr. WARNER. Mr. President, before the Senator yields, it is somewhat difficult for those who are just trying to grasp a short debate here tonight, which is really a repetition of 2 previous years of debates. Let us assure our colleagues that nothing in this entire test scenario will involve any fissionable material whatsoever. As the distinguished Senator said, it would not involve a bomb. It didn't involve the use of any fissionable material whatsoever. It is simply a study.

It is important that the Congress be informed, and it is interesting that the money for this was struck last year. But guess what. North Korea went out and proudly announced—once the money was knocked out of the bill—we have a nuclear weapon. So I think it is very wise for this Nation to have this. It does not involve the use of any fissionable material.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I think Senator CLINTON has asked for 5 minutes, and I yield that time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I am honored to join my colleagues from California, Massachusetts, Michigan, and elsewhere to oppose this funding for the robust nuclear penetrator, the so-called nuclear bunker buster. I thought this issue was closed at the end of last year. Regrettably, it is not.

This program has been the subject of debate and discussion for several years.

I think it is important to look at the funding request because it tells a slightly different story about what the intentions are behind this program.

In its fiscal year 2003 budget request, the Department of Energy sought $15 million to fund the first year of what was to be a 3-year, $45 million study to determine the feasibility of using one of two existing large nuclear weapons as a robust nuclear earth penetrator. In fiscal year 2003, $15 million was authorized and appropriated for this, but the DOE was not to begin work until it submitted a report setting forth the requirements for the penetrator and the target types that the nuclear penetrator was designed to hold at risk. DOE submitted the report in April 2003, the funds were released, and the work began.

In its fiscal year 2004 budget request, DOE again sought $15 million for the penetrator, but only $7.5 million was appropriated.

In the fiscal 2005 budget request, DOE sought $27.5 million for the RNEP. For the first time, however, DOE included the robust nuclear earth penetrator in its 5-year budget report. The cost of the feasibility study had increased dramatically, from $45 million to $145 million. Moreover, the DOE determined that the feasibility would take 5 years rather than 3 to complete.

Most significantly, the DOE 5-year budget plan also included $484.7 million to complete the engineering and design phases. Based on this cost progression, the nuclear penetrator would cost in excess of $1 billion to produce.

Finally, Congress had enough of this, although the administration persisted in pursuing the nuclear penetrator, and in its fiscal 2006 budget requested $4 million to restart the feasibility study. An additional $14 million would be needed in fiscal 2007 to complete the feasibility study.

We have heard that the robust nuclear penetrator is a concept to modify an existing large yield nuclear weapon to be an earth penetrator that would penetrate hard rock. But we also now know more than we knew a couple of years ago. The administration told us a couple years ago about what the effect of this would be, how far into the earth it could penetrate—12 feet or so, according to the National Academy of Sciences. What would be the collateral damage? Maybe up to a million casualties.

The funding requests would lead to the development of a weapon that would have devastating impacts.

I conclude by pointing out that before Operation Iraqi Freedom started, Iraq was one of the countries used as an example of a potential enemy with a hard and deeply buried WMD storage and manufacturing areas. It was the principal justification for the development of this bunker buster. I believe this body needs to once again join the House in saying that to create a weapon—which, believe me, this may not be just a research and report; the DOE budget figures demonstrate they clearly have much more in mind in the administration that would be used in a first strike offensive manner—would require confidence in the accuracy of intelligence that at this time we simply do not have.

I hope this amendment will be successful this year based on the additional information, particularly with respect to the National Academy of Sciences' analysis which demonstrates the devastating effect such a weapon could have with very little intelligence available to guide the use of it.

I yield back my time.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from New York for those comments. She put all of this in both a practical and fiscal perspective. I also thank the Senator from Michigan because he was right on. Do what we say, don't do what we do to every other nation. The nonproliferation treaty does not matter. It is just a terribly arrogant position for the United States to take and I think a morally wrong one.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from California has 13 minutes remaining.

Mrs. FEINSTEIN. I yield 5 minutes to the junior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. Mr. President, I ask my colleagues to stop and think hard about this, not just be swayed by the fact the Pentagon is asking for it, not just be swayed by the fact our great friend, the distinguished chairman of the Armed Services Committee, is arguing in favor of it. But I ask my colleagues to stop and think about this for a minute: Do we have a bunker buster with a nuclear warhead today? The answer is no, we do not. So if we are going to study the—whatever you want to call it—the modification, creation, it is the creation of a weapon we do not have today.

By any definition anywhere in the world, any leader in any country looking at us sees that as a new weapon, as a new weapon capacity. I do not remember everything from nuclear, chemical, biological warfare school, but that is one of the things the Navy did for me. I will tell you, a nuclear weapon that goes 10 or 12 feet into the ground with 70 times the capacity of Hiroshima is a weapon that is going to have unbelievable consequences to civilian populations all over the world.

This is a study of the absurd. There are two outcomes to this study: Either you find it does not work and you don't use it, or you find that it does and then you have to confront the choice, would you ever use it. With the thousands of warheads we still have, with the deterrent we still have, do we need to go seeking yet another kind of nuclear weapon to send some kind of deterrent threat? It just does not make sense against any measurement of what we need to defend ourselves and provide for the security of the United States.

Should we look at other forms of deep penetrating bunker busting? Sure, that would make more sense, far more sense than the notion of the United States using a nuclear weapon for the purpose of bunker busting, especially when you consider that tactically, if you were going to use it, you would probably try to use it in a selective way that takes out a few bunkers, and you wind up with a nuclear weapon usage that only invites more consequences with nuclear weapons. It is not usable.

That is the conclusion the National Academy of Sciences came to, and for the Senate to casually dismiss our own National Academy of Sciences and pretend we have to study something that has already been studied is really a study of the absurd in itself. It is a study in a waste of money, especially at a time when the resources of this country are already taxed.

I do not know any person you talk to who has dealt with proliferation issues over a long period of time who is not sensitive to the fact that if we go ahead and study this new kind of weapon, we invite any other country that views us as a threat to do the same. If you look at every stage of the arms race, from the late 1940s all the way through every weapon that was designed, each stage of it was driven by one nation or the other—usually the United States, incidentally—being the first to develop a particular new technology.

You can go right back through every stage of nuclear development, from the first bombs to the hydrogen to the silent submarines to the MIRVing and all the way through until the modern times. I think it was only on two occasions that the Soviet Union, in fact, was first in the development of a particular weapon.

This is the United States leading down the road, sending a signal to the world that we are trying to develop a new nuclear weapon that we do not have today. It is just a matter of common sense that has an impact on people throughout the world.

By every test, by what it does to proliferation efforts, by what it does with respect to common sense and the possibility of it being used, by what it does with respect to the dismissal of the National Academy of Sciences and the studies already done, by what it does with respect to a test of common sense as to its usage at 71 Hiroshimas and the implications of the fallout and what is dismissed as collateral damage, the vast implications of nuclear fallout that would come from that, this is a study truly that we do not need to undertake that has dramatic negative consequences.

I hope colleagues will make a commonsense assessment with respect to this new weapon.

I yield back to the Senator from California the remainder of my time.

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. He has made some excellent points. I very much appreciate them.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Has time expired on the Feinstein amendment?

The PRESIDING OFFICER. It has not.

Mr. DOMENICI. How much time do the proponents have?

The PRESIDING OFFICER. There is 12 minutes in opposition and 7 minutes for the Senator from California.

Mr. DOMENICI. I ask the Senator from California, in the interest of moving along, would she like to shorten her time if we shorten ours? We have 12 minutes, and the Senator from California has 7.

Mrs. FEINSTEIN. What would the Senator from New Mexico propose?

Mr. DOMENICI. I propose we have 5 minutes and Senator FEINSTEIN have 2.

Mrs. FEINSTEIN. Make it 5 and 5.

Mr. DOMENICI. Five and 5? We have 12, and the Senator from California has 5. I will take it: 5 and 5; is that all right?

Mrs. FEINSTEIN. Five and 5.

Mr. DOMENICI. Five and 5. Without using this time on this unanimous consent request, I ask we move off this amendment for the purpose of offering two amendments that are going to be accepted.

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

AMENDMENT NO. 1097

Mr. DOMENICI. Mr. President, I send to the desk on behalf of Senators ALLARD and SALAZAR an amendment relating to the purchase of mineral rights at Rocky Flats technical site. I note the presence of both Senators from Colorado, and I say to them that I am pleased to accept the amendment. It has been cleared on both sides. I appreciate their work. We will do everything we can to keep it in conference.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. ALLARD and Mr. SALAZAR, proposes an amendment numbered 1097.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To set aside certain amounts for the purchase of mineral rights at the Rocky Flats Environmental Technology Site)

At the end of title __ , add the following:

SEC. _____. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide no more than $10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1097) was agreed to.

Mr. DOMENICI. The second amendment I referred to will be offered by the Senator from Colorado and withdrawn—no, it will not be withdrawn. It will be offered.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I have a rather lengthy statement on this amendment. There is still some time, I understand, on the Robust Nuclear Earth Penetrator; is that correct?

Mr. DOMENICI. Five minutes on our side.

AMENDMENT NO. 1084, AS MODIFIED

Mr. ALLARD. Mr. President, I send the amendment to the desk and that amendment is amendment No. 1084.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 1084, as modified.

Mr. ALLARD. This amendment should read sponsored by both Allard and SALAZAR. Here is a corrected amendment. I will send that to the desk.

The PRESIDING OFFICER. The amendment at the desk appears to be the same amendment that was just adopted.

Mr. ALLARD. The only difference would be that the listing of the sponsors on there should list ALLARD and SALAZAR. Otherwise there is no difference. Maybe we are okay to move forward. Is that correct, Mr. President?

Mr. DOMENICI. Mr. President, the previous amendment that was adopted, I ask consent that Senator SALAZAR be deemed an original cosponsor when it was entered as if it were there.

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

Mr. DOMENICI. That takes care of that one.

The PRESIDING OFFICER. Without objection, amendment 1084, as modified, is agreed to.

The amendment (No. 1084), as modified, was agreed to, as follows:

(Purpose: To set aside certain amounts to provide regular and early retirement benefits to workers at the Rocky Flats Environmental Technology Site)

At the end of title __ , add the following:

SEC. _____. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide not more than $15,000,000 to provide regular and early retirement benefits to workers at the Rocky Flats Environmental Technology Site.

The PRESIDING OFFICER. The Senator from Colorado.

The Chair would note that amendment 1084, as modified, has been agreed to. It reflects the additional cosponsors.

Mr. ALLARD. Mr. President, I rise in support of the amendment and make a few comments, if I might.

I have had faith in the workers of Rocky Flats and I am pleased to say that Kaiser-Hill and the workers at Rocky Flats have not disappointed me. In fact, it appears that Kaiser-Hill and the workers at Rocky Flats are far exceeding their cleanup commitments at Rocky Flats in the State of Colorado. I cannot express the full extent of how proud I am of their achievements.

Listen to some of their accomplishments. All weapons-grade plutonium was removed in 2003; more than 1,400 contaminated glove boxes and hundreds of process tanks have been removed; more than 400,000 cubic meters of low-level radioactive waste have been removed; 650 of the 802 facilities have been demolished; all 4 uranium production facilities have been demolished; all 5 plutonium production facilities have been demolished or will be within the next 3 months; 310 of 360 sites of soil contamination have been remediated, and the last shipment of transuranic waste was shipped this last April.

It now appears the cleanup of Rocky Flats will be completed as early as October, a full year ahead of schedule, and save the American taxpayer billions upon billions of dollars of what was envisioned when we first started talking about cleanup at Rocky Flats.

One can appreciate the magnitude of this accomplishment only when they realize that within 6 years Rocky Flats will have been transformed from one of the most dangerous places on Earth to a beautiful and safe natural wildlife refuge. Yet the cleanup contractor could not have achieved this demanding goal as established by the Department of Energy without the hard work and determination of the Rocky Flats workers. Most of these workers had to literally develop an entire new skill set. They went from manufacturing plutonium pits to dismantling glove boxes. They tore down buildings while wearing stiff environmental protection suits. They cleaned up rooms that were so contaminated that they were forced to use the highest level of respiratory protection available. Perhaps more importantly, these workers were extraordinarily productive even though they knew they were essentially working themselves out of a job.

With the completion of the cleanup and closure of Rocky Flats, they knew they would have to find employment elsewhere. There was no guarantee that their next job would pay as much or provide the same level of benefits. Despite knowing that they were going to lose their jobs, the workers of Rocky Flats remained highly motivated and totally committed to their cleanup mission. They believed in what they were doing and worked hard to clean up the facility as quickly and safely as possible.

They achieved more in less time and with less money than anyone dreamed possible. I am proud of the workers at Rocky Flats. I believe they have once again earned our Nation's sincere appreciation and respect. Given the sacrifice and dedication demonstrated by these workers, one would think the Department of Energy would do everything it could do to ensure that these workers received the compensation and benefits they have earned. One would think assisting those workers who lose their retirement benefits because of the early completion of the cleanup would be a top priority for the Department. After all, these workers saved the Department billions upon billions of cleanup costs.

Last year, it became clear to the Department of Energy and to me that the cleanup at Rocky Flats would be completed much earlier than anyone expected. The workers were supportive of early closure but were concerned that some of their colleagues would lose retirement benefits because of early closure. I shared their concern and requested in last year's defense authorization bill that the Department of Energy provide Congress with a report on the number of workers who would not receive retirement benefits and the cost of providing these benefits.

After a lengthy delay, the Department of Energy reported that about 29 workers would not receive pension and/or lifetime medical benefits because of early closure. The cost of providing benefits to those workers was just over $12 million.

To my dismay, I discovered the Department of Energy's report was woefully incomplete. I was subsequently informed that at least another 50 workers would have qualified for retirement benefits had the Department of Energy bothered to include those workers who already had been laid off because of the accelerated closure schedule.

This means as many as 75 workers at Rocky Flats will lose their pensions, medical benefits, or in some cases both because they worked faster, less expensively and achieved more than they were supposed to.

They not only worked themselves out of a job, but they also worked themselves out of retirement benefits and medical care.

I find the Department of Energy's refusal to pay these benefits to be outrageous and shameful.

Many of the workers at Rocky Flats have served our Nation for over 2 decades. They have risked their lives day in and day out, first by building nuclear weapon components and then by cleaning up some of the most contaminated buildings in the world. All they have asked for in return is to be treated with fairness and honesty.

To my disappointment and to the disappointment of the workers at Rocky Flats, the Department of Energy cannot seem to keep its end of the bargain. The Department seems to think that the only thing these workers deserve is a shove out the door.

These workers would have received their retirement benefits had the cleanup continued to 2035 as originally predicted. These workers would have received their retirement benefits had the cleanup continued to 2007 as the site contract specifies. But by accelerating the cleanup by over a year and saving the American taxpayer hundreds of millions of dollars, these workers are left without the retirement benefits they deserve and have earned.

The Department's refusal to provide these benefits has ramifications far beyond Rocky Flats. Because Rocky Flats is the first major DOE clean-site, workers at other sites around the country are watching to see how the Department of Energy treats the workers at Rocky Flats. Unfortunately, they have seen how the Department of Energy has failed to step up and provide retirement benefits to those who have earned it.

The workers at other sites now have no incentive to accelerate clean-up. Why should they? The Department of Energy has not lifted a finger to help the workers at Rocky Flats. It would be foolish for workers at other sites think the Department of Energy would act fairly with them.

To me, the Department's decision is a penny wise and a pound foolish. By refusing to provide these benefits, the Department saves money in the short term. Yet, by discouraging the workers from supporting acceleration, the Department is going to cost the American taxpayer hundreds of millions in additional funding in the long run.

I believe Congress needs to correct the Department's mistake before it is too late.

Today, I offer an amendment that will provide the benefits to those workers who would have lost their retirement benefits because of early closure. This amendment is designed to provide retirement benefits to only those who would have received retirement benefits had the site remained open until December 15, 2005, the date of site cleanup contract.

To be clear, this funding is not an additional bonus for a job well-done. Nor is it a going away present for two decades of service. These retirement benefits are what these workers have already earned—nothing more, nothing else.

I urge my colleagues to support this amendment. These workers have earned these benefits, and it is up to this body to see that they receive them. Let us not let the bureaucrats in the Department of Energy tarnish the credibility of the Federal Government. It is time for this body to correct this mistake before the Department's foolishness costs the American taxpayer even more money in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I will be very short. I want to first congratulate my good friend from Colorado, Senator ALLARD, for the sponsorship of these amendments which are important for Rocky Flats and for the cleanup of our DOE facilities. I think we have a great facility and a model in the State of Colorado that is applicable to other Department of Energy sites and in the end we are going to be able to provide some cost savings to our whole DOE cleanup challenge in this country.

The legislation in front of us in the form of the modified amendments would do two things: One, it would help all of the employees who have been laid off at Rocky Flats because of the closure of that plant and the surplus funds would therefore go for a very good purpose to help with the retirement of the employees who have worked at Rocky Flats for a very long time.

The second amendment deals with the mineral rights, which is all part of completing the stewardship process at the DOE facility, which will be one of the first ones cleaned up in the Nation. So I applaud my friend from Colorado for helping in this effort and for having worked on it for such a long time. I also want to state my appreciation to the minority leader, Senator REID, for his work on this effort as well as to the chairman, Senator PETE DOMENICI, and Senator WARNER for his great assistance in this effort as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, there is no time agreement on the amendment, but I did understand we were going to accept it. I didn't think we were going to have any time. I ask the Senator, could we proceed to adopt the amendment, if the Senator from New Mexico is willing to do that?

Mr. ALLARD. Yes, that will be fine.

Mr. DOMENICI. We are willing to accept the last amendment that was offered by the Senator.

The PRESIDING OFFICER. The Chair notes the amendment of the Senator from Colorado has already been adopted as modified.

Mr. DOMENICI. I say to the Senator, you understand this is a difficult amendment. We have had objection from the Armed Services authorizing committee. We take it to conference willingly, with the clear understanding we are going to work on it with the Secretary of Energy, and Defense, and with you and the Armed Services Committee, and do the best we can as we complete the matter in conference.

Mr. ALLARD. That is my understanding. I thank the chairman of the Energy and Water Committee and I thank the chairman of the Armed Services Committee.

AMENDMENT NO. 1098

Mr. DOMENICI. I have an amendment on behalf of Senator LINDSEY GRAHAM that has been cleared on both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. GRAHAM, proposes an amendment numbered 1098.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make the Savannah River National Laboratory eligible for laboratory directed research and development funding)

On page 105, between lines 2 and 3, insert the following:

SEC. 3_____. Notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, the Savannah River National Laboratory may be eligible for laboratory directed research and development funding.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection the amendment is agreed to.

The amendment (No. 1098) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1085

Mr. DOMENICI. Mr. President, I understand we are now back on the Feinstein amendment and there is 5 minutes on each side.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. May I tell Senators, if nothing else breaks here, there are no other amendments. We will vote on this. Senator COBURN has one and he will withdraw it. Can the Senator wait until Senator FEINSTEIN finishes and then he will be recognized?

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I think we have had a good discussion. I was somewhat interested in the comment that: We have done this before, why should we do it again?

Probably this is one of the most important issues we have to deal with because it will affect, I believe, my family's lifetime and my grandchildren's lifetime. I think if we have learned anything, it is that human nature is better off without nuclear weapons.

In this case, I would like to sum up with one of the conclusions of the National Academy of Sciences' recent reports. It is conclusion No. 3: Current experience and empirical predictions indicate that earth penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion.

That is not my view. That is the view of the National Academy of Sciences. To my knowledge it has been backed up by everybody. So why does the administration persist?

The one bright light in this is the House of Representatives. They have removed the money from all programs, from time to test readiness, increasing it from 3 years to 18 months; money for the 400 new plutonium pits; and money for the robust nuclear earth penetrator.

This year the administration did not come back and request the so-called advanced weapons concepts, which is essentially low-yield tactical nuclear weapons. It has been stated here, and I believe it has been stated correctly, that you cannot have a policy which says, ''Do as we say but don't do as we do.''

I do not believe we can have a policy that puts at risk hundreds of thousands, and, yes, even millions of lives. And I do not believe we can develop a weapon and then say: Well, this is just to protect us. It will never be used. I do not believe that.

I truly believe the documents coming out of this administration, from the Nuclear Posture Review to the National Security Directive No. 17, clearly indicate that it is the goal of this administration to build a new generation of nuclear weapons. For those of us who do not believe that is the way to go, they must vote. To those of us who are not on this side, I want to say we will be back, and back, and back. So get used to hearing from us because it is not going to end here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Senator wants 2 minutes, and then I will wrap it up.

Mr. KYL. Mr. President, I will just take 1 minute. The point I want to make is to correct something that was incorrectly noted before. It was stated this will be a brand new weapon. The truth is that this weapon was already developed during the Clinton administration. Using the current B61, which is a nuclear warhead, the B61 mod 11 was developed as an earth penetrator weapon. But it was determined by feasibility studies that it did not have sufficient capability to penetrate and thus provide a deterrent. The B61–11 is not sufficiently hardened to penetrate certain target geologies. So the feasibility study is designed to determine whether a more robust outer casing, which still protects the internal components of the warhead, could be developed for the B83 warhead.

That is all it is, is to determine whether an existing warhead could be used with a different casing to penetrate, and thus replace a weapon that is already in our inventory.

Mr. ALLARD. Mr. President, I rise to oppose the amendment before us.

The bill before us includes an appropriation of $4 million to continue an Air Force-led feasibility study on the robust nuclear earth penetrator—RNEP. This is not a new issue for the Congress to consider. In both the defense authorization and energy and water appropriations bills the last 2 years, amendments have been offered to cut all funding for the robust nuclear earth penetrator. These amendments have been defeated on multiple occasions.

The purpose of the RNEP feasibility study is to determine if an existing nuclear weapon can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets. The Department of Energy has modified nuclear weapons in the past to modernize their safety, security, and reliability aspects. We have also modified existing nuclear weapons to meet new military requirements. Under the Clinton administration, we modified the B–61 so that it could penetrate frozen soils.

The RNEP feasibility study is narrowly focused on determining whether the B–83 warhead can be modified to penetrate hard rock or reinforced, underground facilities. Funding research on options—both nuclear and conventional—for attacking such targets is a responsible step for our country to take.

As many as 70 nations are developing or have built hardened and deeply buried targets to protect command and communications, and weapons of mass destruction production and storage assets. Of that number, a number of nations have facilities that are sufficiently hard and deep enough that we cannot destroy most of them with conventional weapons. Some of them are so sophisticated that they are beyond the current U.S. nuclear weapons capabilities. I believe it is prudent and imperative that we fund this study on potential capabilities to address this growing category of threat.

Should the Department of Energy determine, through this study, that the robust nuclear penetrator can meet the requirement to hold a hardened and deeply buried target at risk, the department still could not proceed to full-scale weapon development, production, or deployment without an authorization and appropriation from Congress. Let me repeat that: the Department of Energy cannot go beyond this study without the expressed authorization and appropriation from Congress.

We should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets. Then Congress would have the information it would need to decide whether or not development of such a weapon is appropriate and necessary to maintain our nation's security.

I urge my colleagues to oppose the amendment before us.

Mr. DOMENICI. I am hearing talk about a new nuclear weapon. I wish those who were talking about a new nuclear weapon were reading the current evaluations and studies about the future of nuclear weapons. You sure are not talking about this. If ever there were going to be new nuclear weapons, they would be little nuclear weapons. They would not be blockbusters. Whole

studies are looking at whether all the countries with big nuclear weapons are going to have a whole new generation someday of smaller ones, less in size, where the world can have far fewer.

That is not the subject tonight because this weapon is not a new nuclear weapon. First of all, this is a bill, appropriations, that says the Congress is approving to build a new nuclear weapon for the astronomical sum of money of $4 million. I don't know what you could build for $4 million. It says ''a study.'' And then it determines what the study is.

I don't know, I have never heard so much said about so little. That sounds like something somebody said about something else in history, so I don't want to demean it because we are just talking about an issue on the floor of the Senate. But if you want to give a speech of significance about nuclear weapons and put maps up showing the devastation of the two that were used, we ought to have a big debate. Maybe some think that was a mistake. But the truth is, none of that has anything to do with this amendment. The United States of America, through its experts, says we should have a study.

This Senator said to them, tell me how much money you need for a study—not 10 years from now to build something. What do you need for a study? They said: $4 million. That is what is in this bill. That is all. No more, no less. That is what the amendment is about.

I hope we will once again say let's let our country do this kind of research.

I yield any time I might have.

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

Mr. DOMENICI. I have no time.

Mr. KERRY. The Senator yielded some back.

The PRESIDING OFFICER. The Senator from New Mexico has about 50 seconds.

Mr. DOMENICI. I am glad to yield that.

Mr. KERRY. Two questions. No. 1, is it not true there is $14 million not just $4 million; $14 million for the next year? And, second, do we have a bunker busting nuclear weapon today? The answer to that is no. If we do not have it, don't you agree, if we are studying the creation of one, that is a new nuclear weapon? It is a weapon we do not have in the arsenal today.

Mr. DOMENICI. Let me say in the appropriations in this bill for the fiscal year we are appropriating, it is $4 million. There is no appropriation for the following year or the following year or the following year. So I do not know what that will be.

But I tell you, you have to come back for another appropriation, so that is for sure. That is the situation.

With reference to whether we have this in our arsenal, I think the distinguished Senator from the State of Arizona answered that question with reference to the instrument that will deliver a weapon, if we ever do the research to know whether we need it. Am I correct?

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

Mr. DOMENICI. I yield the floor. We don't need any additional time. Have you had the yeas and nays?

The PRESIDING OFFICER. The Senator from California has 2 minutes.

Mrs. FEINSTEIN. Yes, there is only $4 million in this budget and there is $4.5 million in defense. It is a different strategy this year. The money was split.

Last year the request was for $27.5 million and a 5-year projection of $486 million. That is fact.

Now, their projection over 5 years is not this year in the budget so it is a little tricky because they have split it up and they have operated it into two budgets. The House removed all of the money. The House removed the authorization.

Clearly, there are people on this Hill who believe it is a mistake. Last year, the money was removed. So this year is a slightly different approach by the administration.

What we are saying is, it is a new weapon. If you do not have it today, and you might have it tomorrow, it is a new weapon. What we are saying is, there is not one physicist who will say that a casing can be built to drive a weapon deep enough into the Earth with enough explosive power that will take out a bunker and not spew radiation that can kill hundreds of thousands and, yes, even millions of people. We urge a ''yes'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I am trying to get us finished so we will have two votes back to back, one on this amendment and one on final passage.

Senator COBURN wants to take a few minutes. He wants to offer an amendment.

AMENDMENT NO. 1086 WITHDRAWN

Mr. COBURN. Mr. President, I will call up amendment 1086 and then I will withdraw it by unanimous consent. It is important that Members recognize what is written in the report language in this bill. I will read a portion of one sentence and talk about it: Congressionally directed projects. The committee recommends including the following congressionally directed projects. The committee has provided sufficient funding to cover the cost of these additions so as not to impact research.

That is the key question. By the misstatement of the committee itself, these projects are not essential. Yet, there is $87 million in projects to 30 States averaging less than $1 million a project. These are for biomass, biodiesel, hydrogen, solar, and other forms of energy.

It is going to pass, there is no question. I can't stop it, but I think the American people ought to go online and look at this. There are two problems. No. 1, it is not essential and we will spend $544 billion we do not have this year; No. 2, by having this many projects at such low value, we do not get our money's worth because we spend a ton of money in administrative and overhead costs for these small projects. If we are going to spend this money, it ought to be 3 or 6 projects, not the 30-some projects that are in there.

I ask unanimous consent to withdraw the amendment.

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

The amendment (No. 1086) is withdrawn.

AMENDMENT NO. 1095, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask amendment 1095 be modified as stated in the instruction which I am going to send to the desk. There is an error. This corrects the error. I ask consent that be done.

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

The amendment will be so modified.

The modification is as follows:

(Purpose: Making technical corrections for NNSA security)

''Strike everything after ''buses;'' on page 90, line 14, through page 92, line 25 and insert the following:''.

Mr. DOMENICI. I ask consent that Senator JOHN MCCAIN be recognized now for 10 minutes to speak on the bill, or whatever he desires; when he has completed, we proceed to the Feinstein amendment; then we proceed to final passage and there will be 10 minutes on the Feinstein amendment on the rollcall, after which we proceed to rollcall on final passage.

Mr. REID. I ask it be modified to have the second vote also 10 minutes. We have a lot of work to do after that vote is over.

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

Mr. MCCAIN. What is the agreement?

The PRESIDING OFFICER. The Senator from Arizona will have 10 minutes.

Mr. MCCAIN. I object.

Mr. REID. I have no objection.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The rest of the request was that subsequent votes would be 10 minutes each and there would be a 10-minute vote on the Feinstein amendment and a 10-minute vote on final passage.

Mr. DOMENICI. I ask it be in order to ask for the yeas and nays on final passage at this time.

The PRESIDING OFFICER. It is in order. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I believe the hour now is 5 minutes to midnight

as I note from the clock. We are now completing consideration of an appropriations bill that entails $31.2 billion of the taxpayers' money. We began consideration of this around 10:30, I think. So, between the hours of 10:30 p.m. and midnight we have now thoroughly scrutinized the expenditure of $31.2 billion of taxpayer money, which also happens to be $1.5 billion over the request. I am sure all of my colleagues feel we have thoroughly examined a $31.2 billion expenditure of their money.

This system we are under now is broken. We shouldn't be, on a night before we are—we all know we are going into a recess—considering a bill of this magnitude in an hour and a half at a very late hour. I certainly do not quarrel with any of my colleagues who did not have an opportunity to examine the bill and the report language.

It really rolls out the pork barrel. It has $1.5 billion for unrequested earmarks with more than $1.3 billion going to 618 Army Corps of Engineers projects, 618 projects that the Corps has not identified as priorities for fiscal year 2006. I don't know how we can justify providing more than $1 billion for low priority, nonessential water projects and, at the same time, pat ourselves on the back for a very stringent budget that we passed which caused many Americans to make sacrifices in very important programs because we could not afford them.

So we are adding $1 billion for low priority, nonessential water projects. Certainly when it comes to funding the pet water projects, budget deficit and national priorities flow out of the minds of our appropriators.

We just found out that we had about $1 billion or $1.5 billion or $2 billion shortfall in funding for our veterans and their health care, but we can afford more than $1 billion for nonessential projects. One of them, $145 million for additional Army Corps projects in Mississippi. The banks of the Yazoo River Basin overflow with $113.3 million and the Yazoo pumps are humming right along with $25 million. The Yazoo pumps is the controversial project that I spoke about in the Senate more than 2 years ago. The bill brings the total appropriated to the pumps since fiscal year 2003 to $59 million. The project was opposed by the EPA. It was opposed by the Fish and Wildlife Service because it will drain and damage 200,000 acres of public and private wetlands in the heart of the Mississippi flyway for no important public purpose. Residential flooding problems were addressed decades ago by the Federal construction of the Yazoo backwater levy.

We have $90 million for the central and south Florida and the Kissimmee River; $67 million for Alaska projects, including $15 million for the Nome and Unalaska Harbor improvements. With these improvements Alaska residents will continue to enjoy a great deal of the taxpayers' dollars; $30 million for the American River watershed in California, and the list goes on.

I will turn, instead, to some of the authorizations in this appropriations bill. It is a violation of Senate rules to authorize on an appropriations bill. That rule continues to be violated in an egregious fashion. Directing or authorizing policy is a function reserved for the authorizing committee. With an appropriations bill full of authorizations that modify existing law and policy and significantly run up the tab for the taxpayers, these authorizing provisions belong in the water resources development legislation. And that is where some of them were taken from and placed into this bill. Others were newly created for the purpose of authorizing projects and appropriating funds for them.

Some examples:

An authorization to increase the funding of the Marmet Lock, Kanawha River, West Virginia, by more than $128 million—not authorized.

An authorization for the construction of a project on the Lower Mud River, West Virginia, in accordance with a draft Corps report—a draft Corps report; not a final report, a draft Corps report—and a 75-percent Federal cost share of $34,125,000.

If a 75/25 Federal cost share seems generous, well, my friends, there is a provision in this bill that goes even further, to strike the required cost-sharing provisions secured by President Reagan in the Water Resources Development Act of 1986. The Yazoo Basin Headwater Improvement, Mississippi, is authorized to include the design and construction at full Federal expense such measures as determined by the Corps to be ''advisable''—take note of the word ''advisable''—not technically feasible or economically beneficial—for the entire Yazoo River and more than 27 tributaries and watersheds. There is no way of telling how much advisable measures might end up costing the taxpayers.

Authorization to increase the cost ceiling of the Central New Mexico Army Corps project by $25 million.

Authorization for the Corps of Engineers to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware with funding of $275,000. I guess when $175,000 was earmarked for this project in the Emergency Supplemental Act of 2005, no one appreciated that the Corps did not have the authority to address this ''emergency'' as well as not knowing the cost.

Authorization for $10 million for the Army Corps projects in Alpine, CA.

Language reauthorizing the Water 2025 grant program and making it permanent.

Language deauthorizing a portion of an Army Corps project in Tacoma, WA. I have cosponsored the Corps of Engineers Modernization and Improvement Act of 2005 with Senator FEINGOLD for the purpose of making effective and responsible changes in the Army Corps water projects program through a deliberative process.

I encourage my colleagues to look at page 123 of the committee report. Under the heading of Congressionally Directed Projects, as my colleague from Oklahoma has just pointed out, you will find a list of 47 projects totaling $60.75 million that the committee states are not essential.

I quote:

> The Committee has provided sufficient funding to cover the cost of these additions so as not to impact essential research.

So, therefore, it must be nonessential. And there is only one thing in common with all of these projects: They are earmarked for a specific location or institute of higher learning. There is not a one that is just for a general purpose.

Well, we are spending $87 million—oh, additionally, beginning on page 126 of the report, there are eight more Congressionally Directed Projects totaling over $26 million that, again, the committee describes as nonessential.

Why are we spending over $87 million on research that is not essential? We have a $365 billion deficit. We are in a war. I do not think it is in keeping with the priorities we need to establish if we are going to address the budget deficit nor our priorities of winning the war on terror and taking care of the men and women in the military.

I hope that at some point in time we can restore the authorization process which then would precede the appropriations process. I would hope we would at some time consider enforcing the rule of the Senate against authorizing on an appropriations bill.

I do not think there is any doubt that with us considering a bill at 10:30 p.m. until midnight, for $31.5 billion, it is not the way the American taxpayers want us to do business. Therefore, I will oppose passage of this bill.

Mr. President, I yield the floor.

AMENDMENT NO. 1085

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Feinstein amendment.

Mr. DOMENICI. Mr. President, I believe from our side—and Senator REID is here—there is no further business to bring before the Senate on this bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, am I correct in understanding this is a 10-minute rollcall vote?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to amendment No. 1085. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting. the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to a death in family.

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

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—43

Akaka	Dorgan	Lincoln
Baucus	Durbin	Murray
Biden	Feingold	Obama
Bingaman	Feinstein	Pryor
Boxer	Harkin	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Collins	Kohl	Stabenow
Conrad	Landrieu	Voinovich
Corzine	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—53

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Frist	Roberts
Bond	Graham	Santorum
Brownback	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Isakson	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Thune
Crapo	Lugar	Vitter
DeMint	Martinez	Warner
DeWine	McCain	

NOT VOTING—4

Bunning	Mikulski
Lieberman	Specter

The amendment (No. 1085) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECOSYSTEM RESTORATION

Mr. NELSON of Florida. Mr. President I rise today with my colleague from Florida, Senator MEL MARTINEZ, to talk about the biggest ecosystem restoration project in our country's history, the restoration of America's Everglades. The chairman and ranking member of the Energy and Water Subcommittee have supported the Everglades, and I appreciate their dedication to this worthwhile endeavor.

Mr. MARTINEZ. Mr. President, Senator NELSON and I stand united to continue the bipartisan tradition of support for this project. I, too, commend the chairman and ranking member for their support of Everglades restoration.

Mr. NELSON of Florida. Mr. President, even before the Congress passed the Comprehensive Everglades Restoration Plan, CERP, in 2000, the country had begun some important projects that set the stage for CERP. One of those projects is the Modified Waters Delivery Project. The goal of the Modified Waters Delivery Project, authorized by the Everglades National Park Protection and Expansion Act of 1989, is to increase water deliveries to Everglades National Park, to improve the natural habitat and, to the extent possible, restore the natural hydrological conditions within the park. To do this, however, we must undo the work of the Army Corps of Engineers in the 1940s and 1950s which resulted in the Central and Southern Florida Project, C&SF Project. The C&SF Project created 1,000 miles of canals, 720 miles of levees, and more than 200 water control structures to alter water flow in the Everglades, control flooding, open land for agriculture and provide water supplies to urban areas.

Mr. MARTINEZ. Mr. President, CERP provides that the Modified Waters Delivery Project must be completed before several CERP projects involving waters flows on the east side of the Everglades National Park can receive appropriations. For that reason, it is imperative that we continue to receive funding for the Modified Waters Delivery Project and that the project be completed as soon as possible.

Mr. NELSON of Florida. Mr. President we realize that for the first time the administration's budget included funding for the Modified Waters Delivery Project in the Energy and Water Appropriations bill. Prior to this year, it had been funded solely through the Interior Appropriations bill. The House Energy and Water Subcommittee included funding for the Modified Waters Delivery Project. No matter which bill it receives funding through, it is imperative that it receive the funding needed to complete it.

Mr. REID. Mr. President I say to my colleagues from Florida, I know how important restoring America's Everglades is to the United States and to the State of Florida, and I appreciate the efforts of Senator NELSON and Senator MARTINEZ to keep this project on track. I agree that funding for the Modified Waters Delivery Project is essential to restoring the Everglades and I know that it is the administration and not the elected representatives of the State of Florida that have changed how funding for this project has been allocated. With this in mind, I continue to believe this project should be funded through the Interior Committee, but I will work to ensure that all facets of the Everglades Project receives appropriate funding when our bill goes to conference.

Mr. NELSON of Florida. Mr. President I wholeheartedly thank Senator REID for his work on behalf of the Everglades and look forward to working with him and Chairman DOMENICI on Everglades restoration in the future.

Mr. MARTINEZ. Mr. President, I too commend Senator REID for his efforts and look forward to working with him and Chairman DOMENICI to continue to make progress on restoring America's Everglades.

INDEPENDENT OIL PRODUCERS

Mr. INHOFE. The independent producers of oil and gas are a backbone of our domestic supply of energy. The independent producers have made clear the high value they place on research performed at the Tulsa office of the Strategic Center for Natural Gas and Oil at National Energy Technology Laboratory.

Mr. DOMENICI. I am aware of the concern expressed by numerous producers and Senators about Department of Energy plans to close such oil and gas research facilities.

I understand that according to Energy Information Administration data, fossil fuels provide over 80 percent of U.S. energy supply, and oil and natural gas will continue to provide 65 percent of domestic energy needs for 20 to 25 years in the future.

I understand the argument that is thus fitting that the National Energy Technology Laboratory devote a significant portion of its research to fossil fuels and oil and gas technology research and development.

I understand that independent oil and natural gas producers—small-business owners—drill 85 percent of the wells in the U.S. and provide 75 percent of America's natural gas supply. Independents produce 60 percent of the crude oil in the lower 48 States.

I understand that a 2003 National Petroleum Council study stated: ''Eighty percent of domestic natural gas production in 10 years will be from wells yet to be drilled. . . . Small, independent producers will drill most of these wells.''

I understand the argument that such independent producers have comparatively limited capacity for research and development of new oil and gas technologies.

I understand the argument that is thus fitting that the National Energy Technology Laboratory utilize its research capacity to assist these independent oil and gas producers by performing the all important oil and gas research and development function.

I understand that the bulk of the independent oil and gas production in United States is performed in the west.

I understand that many of the independent oil and gas companies are headquartered in the west.

I understand the argument that it is thus appropriate to have a significant and even proportionate share of the research of the National Energy Technology Laboratory performed in the west, at such facilities as the Tulsa office.

It is my hope that the Department of Energy will not perform organizational or staffing realignments in such a way as to reduce or close the Tulsa office of the National Energy Technology Laboratory.

Mr. REID. I concur in these understandings.

JEFFERSON LAB

Mr. WARNER. I respectfully request if the chairman, Senator DOMENICI,

would engage in a colloquy regarding the Jefferson Lab in Virginia with the Senators from Virginia?

First, I would like to compliment the chairman of the Energy & Water Subcommittee, and the ranking member, Senator REID, for an excellent job in preparing a good and balanced appropriations bill for consideration by the Senate. I particularly want to compliment the chairman and ranking member for providing increases for the Office of Science and for the several important programs within the Office of Science, including Nuclear Physics. I know the chairman is well acquainted with Jefferson Lab in Newport News, VA, which is one of our world-class basic research laboratories. My colleague from Virginia, Senator ALLEN, and I are both proud of the excellent scientific programs at Jefferson Lab, which is a credit to the commonwealth of Virginia and to the Nation. The increase in funding provided by the subcommittee for nuclear physics will permit Jefferson Lab to increase its operational time so the Nation's return on this investment will be enhanced.

In the 10 years since commissioning, Jefferson Lab has made groundbreaking discoveries on several scientific fronts. An important next step to insure we maintain the pace of scientific discovery, as recommended by the Department's November 2003 report, is to upgrade the energy of the Jefferson Lab electron beam. This will enormously expand the scientific discovery potential of the lab, as well as leverage future technological advances.

Senator ALLEN and I wrote to the subcommittee suggesting that language be included in the committee report urging that the Department proceed with the project engineering and design for this energy upgrade.

Mr. DOMENICI. I appreciate the Senators from Virginia and their interest in this important matter and I agree with the importance of the 12GeV Upgrade at the Jefferson Lab. With the funds available to the subcommittee, we made recommendations to give priority to increasing operational time for all of our existing labs as opposed to spending these resources on capital expansions. I recognize, however, that with regard to Jefferson Lab we are soon at a scientific turning point when the increased energy will be critical to maintaining the pace of discovery. If it would be satisfactory to the two Virginia Senators, I would like to explore this matter further to see if it can be addressed in the fiscal year Conference and by the Department in their fiscal year budget proposal.

Mr. REID. I also thank the Virginia Senators for their support of the Energy & Water bill and for their strong support for programs that advance science. I will join with Senator DOMENICI in an effort to accommodate the matter that has been brought to our attention.

Mr. ALLEN. want to add my voice in thanking the chairman, Senator DOMENICI and the ranking member, Senator REID, for their commitment to help us keep Jefferson Lab at the forefront of scientific discovery. We appreciate their continued interest and look forward to working with them.

ALTAIR AND WMU PARTNERSHIP

Ms. STABENOW. Mr. President, the senior Senator from Michigan and I would like to engage in a colloquy with the distinguished ranking member of the Energy and Water Appropriations Subcommittee regarding the partnership between Western Michigan University and Altair on the development of nanosensors for chemical and radiological warfare agents.

Senator REID, is it your understanding that $1 million of the funding provided to Altair Nanosensor in this bill will be utilized for the continued partnership between Altair Nanosensor and Western Michigan University for the development of nanosensors for chemical and radiological warfare agents?

Mr. REID. Yes, the Senator has my assurance that it is the committee's intent that $1 million of the funds provided to Altair Nanomaterials should be used for the ongoing partnership with Western Michigan University.

Mr. LEVIN. Mr. President, I thank Senator REID for his support of this important research and join with my colleague from Michigan in supporting this project.

As the ranking member knows, Western Michigan University, Altair Nanomaterials and the University of Nevada, Reno have had a successful partnership to build on their unique strengths to develop nanomaterials and nanosensors for chemical and radiological warfare agents.

We also thank him for his support of this partnership and work on this important legislation.

Ms. STABENOW. Mr. President, I thank the ranking member for his support of this partnership and my colleague for joining me in this colloquy.

DEPARTMENT OF ENERGY—STATE ENERGY CONSERVATION PROGRAM

Mr. INOUYE. I would like to engage the chairman of the subcommittee, Senator DOMENICI, in a brief colloquy on the subject of the State Technologies Advancement Collaborative, commonly called STAC, a program in the energy efficiency portion of the Department of Energy appropriation.

Mr. DOMENICI. I would be pleased to enter into a colloquy with the Senator from Hawaii, Mr. INOUYE, a member of the subcommittee.

Mr. INOUYE. The STAC program is a collaboration among two State organizations and the Department of Energy, initiated by an agreement among the parties in November of 2003. The program was to be a 5-year pilot of a joint planning process between the States and the Department, resulting in projects that were multistate collaborations across the country, of interest to both States and the Federal Government, and cost-shared by the State at no less than 50 percent To date the program has had two competitive solicitations for projects, resulting in almost $24 million in buildings, industry, transportation, distributed generation and fossil energy activities, with over $12 million of that amount being provided by the States. These projects involve 36 different States.

Mr. DOMENICI. As you know, the comprehensive energy legislation that the Senate recently passed authorizes this program.

Mr. INOUYE. I am aware that the energy legislation does that, and I thank the chairman for including such support in the Energy bill. Despite the support of Congress for this program in the past, and in the Energy bill, no funds are provided for the program in the Energy and Water appropriation now before us. This highly leveraged, efficiently managed program, with wide participation from the States, will not continue, even with the language included in the Energy bill, without strong support from the appropriations process. Would the chairman consider including such support for the program in the conference agreement on the Energy and Water appropriations bill by directing the Department to provide funds out of its regular programs at the level no less than the level Congress supported in the fiscal year 2005 appropriation for the program?

Mr. DOMENICI. I would like to assure the Senator from Hawaii that I will work with him to ensure that this program will be considered in conference.

Mr. INOUYE. I thank the chairman for his consideration and for his support of programs important to the States.

Mr. REED. Mr. President, I rise to engage in colloquy with the distinguished chairman and ranking member of the Energy and Water Development Subcommittee of the Committee on Appropriations. I commend them for putting together a bill that provides critical support to our Nation's waterways while promoting energy conservation and protecting our environment.

One of the important programs funded by this legislation is the Department of Energy's Weatherization Assistance Program, WAP, which promotes energy conservation and reduces utility bills for low-income Americans by supporting home weatherization. I want to share with the chairman and ranking member my concern with language on page 122 of the committee report that calls for the consolidation of six DOE regional offices that are used by the Office of Energy Efficiency and Renewable Energy to reach out to State and local weatherization programs.

State energy officials, as well as nonprofit organizations, involved in weatherization across the country have expressed concern that the proposed consolidation would reduce the effectiveness of the WAP and the State Energy

Program. DOE Regional Office Weatherization Project Managers currently review and approve State plans and determine whether all requirements of WAP have been met. They provide day-to-day oversight of grants, including monitoring performance by the States against their plans, and they provide technical assistance to DOE Headquarters and the States with regard to special projects, regional training and technical assistance, and resolution of issues among States and local service providers.

I share the concerns of weatherization program managers and state energy officers across the country that it would be unwise to remove this valuable network of DOE personnel that has served the regions so well. At the same time, I recognize the subcommittee leadership's desire to develop a cost effective outreach plan that will maintain the level of service we enjoy today and have a minimal impact on DOE's dedicated public servants. I hope the Chairman and ranking member can work with me as the Energy and Water Appropriations bill moves to conference to preserve the important role of regional DOE staff in a variety of programs, including the Weatherization Assistance Program and the State Energy Program.

Mr. DOMENICI. Mr. President, I appreciate the concerns the Senator from Rhode Island has raised and assure the Senator that I will work to find a solution that does not diminish services and recognizes the concerns of State and local weatherization program managers.

Mr. REID. Mr. President, I second what the chairman has just stated and commit to work with the Senator from Rhode Island during conference to address his concerns. I am confident we can find a way to continue to support local and State weatherization efforts and the State energy offices that have depended on the guidance provided by DOE regional offices.

REGULATORY OVERSIGHT OF ENERGY FUTURES MARKETS

Ms. CANTWELL. Mr. President, I rise today to discuss regulatory oversight of energy futures markets. Would the distinguished chairman of Agriculture Committee engage me and the Senator from California, Mrs. FEINSTEIN, in a colloquy on this subject?

Mr. CHAMBLISS. I would be pleased to enter into such a colloquy.

Ms. CANTWELL. Senators FEINSTEIN, LEVIN, and I have raised serious concern about off exchange futures transactions in energy commodities under the jurisdiction of the Commodity Futures Trading Commission. In the wake of the Western energy crisis, we believe that there needs to be adequate Federal authority over these energy markets and that they be more transparent in order to prevent fraud and manipulation.

Mrs. FEINSTEIN. It is our understanding that the Agriculture Committee is considering a CFTC proposal to clarify that its antifraud authority in the Commodity Exchange Act clearly covers principal-to-principal off exchange transactions and a second CFTC proposal to clarify its existing authority to bring civil and administrative actions, including false reporting cases. We would also hope that the committee would add language to clarify that exempt energy transactions are subject to the CFTC's antimanipulation and false reporting authorities.

It is our hope that the Agriculture Committee will include these proposals in legislation when reauthorizing the CFTC this year. However, should the committee report a mark that does not include similar provisions when placed on the Senate Calendar, we would like assurances from the chairman of the Agriculture Committee that we will have the ability to offer an amendment to address these issues when this bill is considered by the full Senate.

Mr. CHAMBLISS. I am willing to consider your proposals as part of the reauthorization of the Commodity Exchange Act. In addition, you have my assurance that I will work with the leadership to accommodate the Senators' desire to address these issues when this matter comes before the full Senate.

Mr. REID. Mr. President, our water resources contribute mightily to our Nation's economic at environmental well-being.

Ports and waterways are integral to our national transportation system that contribute $718 billion to the Nation's gross domestic product while ensuring domestic and international trade opportunities and safe, low-cost and eco-friendly transportation of import products.

While some consider it an anachronism in the age of e-commerce, the system remains vital to a broad swath of the economy, carrying everything from consumer goods, steel, coal, fertilizer, salt, sand, gravel, cement, petroleum and chemicals, to the wax for coating milk cartons.

The U.S. maritime transportation system moves more than 60 percent of the Nation's grain exports and 95 percent of the Nation's imports. We cannot be competitive in world trade if we don't maintain efficient and reliable transportation.

Much of the infrastructure was built early in the last century. It's showing the effects of time and, according to some, of neglect. Old equipment takes longer to repair, and it's more vulnerable to nature's extremes.

Earlier this year, unusually heavy winter rains swelled rivers and caused a series of accidents, including one on the Ohio River in which a towboat pushing six barges sank after passing through a lock near Industry, PA.

After the accidents, General Electric Co.'s plastics division had to halt chemical operations at a plant in Washington, WV, because barges carrying butadiene, a key raw material, couldn't get through. The GE plant, which makes plastic used in phones and laptops, continued other production processes during the disruption.

Consol Energy Inc., based in Pittsburgh, moves about a third of the 68 million tons of coal it produces each year by water, with most of that going directly to power plants. After the recent accidents, the company told customers it was invoking the force majeure clause in its contracts, which indicates it won't be able to fulfill its obligations because of circumstances beyond its control.

Costs associated with problems on the waterway network, which carries about 13 percent of U.S. intercity freight annually, can be hard to measure. Towboat companies say it costs them hundreds of dollars an hour to have their vessels sitting idle with barges that can't move.

I was recently told about a port on the Texas coast where bauxite is shipped in to the local aluminum plant. Dredging of this port has not been a priority for the administration due to their budgetary criteria so it has not been dredged on a regular basis. For every inch that the ships have to be light loaded to enter the port, it costs the shipper $180,000. In other words, for every foot of authorized depth not provided here it cost the shipper nearly $2.2 million dollars. If one assumes at least one shipment per week, lack of dredging costs the shipper more than $100 million annually. Ultimately this cost is passed on to you and me in the form of higher prices.

The routine inspection of a lock in Greenup, KY, in September 2003 was supposed to close the facility for 3 weeks. When the inspectors found bad decay, the shutdown stretched to 2 months. Companies could continue using a much smaller auxiliary lock at that location to keep moving some goods, but that meant major delays. The U.S. Army Corps of Engineers, which oversees and maintains the waterways, studied that closure and found the cost of delays to towing companies alone totaled about $14 million.

Big companies like U.S. Steel Corp., DuPont Co. and Archer-Daniels-Midland Co. make extensive use of the inland waterway system, and usually don't have easy alternatives. The rail- and truck-freight systems, which carry about 45 percent and 33 percent, respectively, of U.S. intercity freight, are near capacity and much more costly. Moving materials by barge is about a tenth the cost of using trucks, and two-thirds that of rail.

Many of the facilities are at the fatigue point now, where they need major rehabilitation.

Each year, the U.S. spends about $500 million on operations and maintenance, including dredging channels of the inland waterway system. The budget for maintenance has held roughly steady in inflation-adjusted dollars for three decades. The fact that the system has held together as well as it has is a

tribute to the foresight and ingenuity of those that made the investments in these structures.

Ports are our gateways to international trade, and their channels must be enhanced and maintained to accommodate the new generations of ships sailing to our shores.

Our flood damage reduction program saves lives and prevents almost $8 in damages for each dollar spent.

Corps hydropower facilities supply 24 percent the hydropower generated in the United States.

Shore protection projects provide safety from hurricanes and other storm events for transportation, petroleum and agriculture infrastructure around our coastal waterways and deltas as well as recreational benefits, returning $4 in benefits for each dollar invested.

Projects for water supply, irrigation, recreation and wildlife habitat provide innumerable benefits.

Investing in water resources sustains economic growth and the American worker, directly eases growing congestion on our Nation's roads and railroads and provides a finer quality of life.

Recently, the American Society of Civil Engineers gave the Nation's water a ''D−''—their lowest grade—because of their steadily deteriorating condition and reliability.

Our Nation simply cannot afford for this trend to continue. The administration, whether Republican or Democrat, has consistently refused to provide the resources necessary to reverse the decline in our infrastructure.

For fiscal year 2006, the Senate has asserted leadership in reversing this trend. The Senate Bill provides $5.3 billion for the Corps of Engineers.

The Senate has included $180 million for the Corps' general investigations program. This account funds nearly all studies that the Corps undertakes to determine the technical adequacy, environmental sustainability and economic viability of water resource solutions. The funding will provide the Corps with a robust national program as opposed to the paltry $95 million proposed in the administration's fiscal year 2006 budget request.

The Senate bill includes $2.087 billion for the Corps' construction account. This account provides funding for construction of the water resource solutions authorized by the Congress. The Senate has provided nearly $450 million more than the administration's fiscal year 2006 request. These additional funds will allow the Corps to make substantial progress on projects recommended by the budget as well as all of the ongoing projects that the administration chose not to fund.

The Senate bill includes $2.1 billion for the operations and maintenance account. This is about $121 million more that the President's fiscal year 2006 budget request and will allow the Corps to restore routine levels of services at Corps' facilities and provide dredging for projects that the administration has designated as low use.

The Senate bill rejects the budget proposals from the administration concerning multiple year contracting and direct funding of hydropower maintenance by the Power Marketing Administrations.

The Senate bill also recommends that the administration and the Corps go back to the drawing board on the process that they use to determine which projects should be budgeted. The current process introduces too much uncertainty into the project development process.

The administration needs to honor the commitments that they have made to local sponsors. The sponsors need the certainty that if they get their funding for these projects, the Federal Government will meet their commitments.

Finally, the Senate bill reaffirms the need for the Corps to be able to manage their program in an effective and efficient manner. The ability to reprogram project funds and the use of continuing contracts are a necessary part of this overall management strategy.

The Senate has produced a balanced and fair bill for the Corps.

Thank you Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

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

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—92

Akaka	Cantwell	DeMint
Alexander	Carper	DeWine
Allard	Chafee	Dodd
Allen	Chambliss	Dole
Baucus	Clinton	Domenici
Bennett	Cochran	Dorgan
Biden	Coleman	Durbin
Bingaman	Collins	Ensign
Bond	Conrad	Enzi
Boxer	Cornyn	Feingold
Brownback	Corzine	Feinstein
Burns	Craig	Frist
Burr	Crapo	Graham
Byrd	Dayton	Grassley
Gregg	Levin	Santorum
Hagel	Lincoln	Sarbanes
Harkin	Lott	Schumer
Hatch	Lugar	Sessions
Hutchison	Martinez	Shelby
Inhofe	McConnell	Smith
Inouye	Murkowski	Snowe
Isakson	Murray	Stabenow
Jeffords	Nelson (FL)	Stevens
Johnson	Nelson (NE)	Talent
Kennedy	Obama	Thomas
Kerry	Pryor	Thune
Kohl	Reed	Vitter
Kyl	Reid	Voinovich
Landrieu	Roberts	Warner
Lautenberg	Rockefeller	Wyden
Leahy	Salazar	

NAYS—3

Coburn	McCain	Sununu

NOT VOTING—5

Bayh	Lieberman	Specter
Bunning	Mikulski	

The bill (H.R. 2419), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, 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.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer appointed Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mrs. HUTCHISON, Mr. ALLARD, Mr. REID, Mr. BYRD, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. INOUYE conferees on the part of the Senate.

MORNING BUSINESS

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

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

The PRESIDING OFFICER. The minority leader.

UNANIMOUS CONSENT REQUEST—VETERANS APPROPRIATIONS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate receives from the House the emergency supplemental bill for veterans health care, the Senate proceed to its immediate consideration; that if the bill is less than $1.5 billion, all after the enacting clause be stricken and the text of the amendment as authorized earlier today by the Appropriations Committee to include the full $1.5 billion as passed by the Senate yesterday by a vote of 96 to 0 be agreed to; that the bill as amended be read a third time and passed and motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. FRIST. Mr. President, reserving the right to object, let me take a moment to review where we are. On Wednesday afternoon, on a bipartisan unanimous basis, we passed the Santorum amendment to address the funding shortfall, the surprise funding shortfall, of the Department of Veterans Affairs. Based on the very best information we had 48 hours ago, the amendment was passed at an appropriated $1.5 billion to address the critical health care needs at the Department that had been underfunded as a result of some erroneous calculations of the use and need by our veterans. This money is available to be spent in this fiscal year as well as the next.

In the interim, the administration, working aggressively, refined that estimate for the Department in this fiscal year, fiscal year 2005, and this morning or about 12 hours ago, Thursday morning, informed the House of Representatives that it would be best to appropriate $975 million for these veterans' health care needs for this fiscal year now on an emergency basis.

Tonight, not too long ago, the House passed that request, which was one of the quickest actions on a spending need since the Budget Act became law now 30 years ago. However, and this is important, the administration has not yet been able to adequately define and hone the specific estimate of the extra need for the year 2006.

I have been informed that this work for ensuring an accurate report for Congress for money in fiscal year 2006 is ongoing right now by the Department and by OMB, the Office of Management and Budget. Therefore, it is my expectation that within the next few weeks the administration will give us, will transmit a budget amendment to Congress, which will accurately detail the precise amount of money that the administration needs, or believes that they need, for funding these veterans' health care needs for fiscal year 2006. That request, I understand, is likely to be large and could be even larger than what we approved now on Wednesday.

Once we have that information in hand and know that it is accurate, we can call up the House bill which contains funding for this fiscal year and then add that necessary funding for the next fiscal year and then send it back to the House. That would be a very quick course of action. Or we could take that accurate number, once determined, and in conference with the House, adjust the amendment that we passed yesterday. Finally, we could take that accurate number, incorporate it into the appropriate subcommittee fiscal year 2006 legislation.

I mention these options—and there may be even other options as well—to cure the problem. I look forward to working with the distinguished chairman of the Veterans' Affairs Committee to ensure that the administration gives us accurate information for next year, as well as the appropriations subcommittee chairman, as well as the leadership of the House and the administration.

So before the Chair asks again if there are any objections to the unanimous consent, let me just turn to the chairman of the Veterans' Affairs Committee to see if there is a comment.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, first let me say that I am surprised that the distinguished majority leader is surprised at what the Veterans' Administration and the administration has talked about today of what they need. We have been, for months, talking about the shortfall with the Veterans' Administration, months—not weeks, not days but months. We have had three votes, two in committee and two on the Senate floor, where we, the minority, have begged for more money for our veterans.

It seems somewhat unusual to me that approximately 24 hours ago, the Senate unanimously passed a $1.5 billion supplemental for veterans for health care. We just did it. The House Republicans have again shortchanged our veterans by reducing this number by over $500 million. We will insist on a right to amend the bill to bring it to the full $1.5 billion mark. This is the same amendment which the Senate Appropriations Committee, on a bipartisan basis, unanimously authorized the chairman and ranking member to offer to the House supplemental, should it arrive here below the $1.5 billion mark. This is the real world we are in.

Now, I also say this: We are depending on the Office of Management and Budget and the Veterans' Administration at this late hour? Would it not be terrible, would it not be awful, if the veterans got a little too much money? What is this, some game that we are playing? We are playing with the lives of people.

In Las Vegas, we have people waiting as long as 11 months to get into a hospital to have some of the radiology work done. We learned yesterday that they are literally borrowing from Peter to pay Paul, they are robbing the capital accounts with the Veterans' Administration.

As we speak, we have about 140,000 troops in Iraq. They are being worked back all the time, and these people who come home need help, in addition to World War II veterans who need help.

Why don't we have the House Republicans meet their responsibilities? And why at this late hour are we trying to protect the White House when this body voted by a unanimous vote, everybody in the Senate voted for this? Yet we had a unanimous vote in the Appropriations Committee authorizing the chairman and ranking member to do the exact thing that I have asked to do.

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

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. Through the Chair, I would like to ask the Senator from Nevada a question.

The PRESIDING OFFICER. The Senator will suspend. The unanimous consent request is pending. Is there objection?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, at this late hour it is interesting to me that, having had the House and the Senate speak in two different voices on the same issue in less than 24 hours, we would stand here and determine exactly the right thing to do.

The $1.5 billion that we voted on yesterday is a figure I and my staff came up with. I happen to be the Republican chairman of the Veterans' Affairs Committee. But, having said that, the ranking Democrat Member, DANNY AKAKA, agreed with that. Senator PATTY MURRAY had been out front on it early on. I told her at the time I didn't know if our figures were right, and if we were wrong we would correct them.

We can point a lot of fingers, but here are some realities. We have increased the veterans budget nearly 10 percent every year for the last 4. I said on the floor yesterday and I will say it again tonight, because it cannot be disputed, whether it was a Democratic President or whether it was a Republican President, the fact is they almost always underfunded veterans. It was the Congress in a bipartisan vote that funded it accurately and adequately. For those percentages of increase over the last several years, Democrats and Republicans alike stood together to do it and we produced a high-quality health care system.

No veteran who is qualified today is being denied. No veteran tonight, with the now shortfall, is being denied. The reason they are not being denied is quite simple. We are borrowing interagency accounts to address the immediate shortfalls. And as we do that at the administration level, the Congress, the Senate, the House, are seeking to replenish those funds.

There is a difference of opinion here, not between Democrats and Republicans, but between the Congress and the administration. We are working that out.

I hope, and many of my colleagues on the other side agree, that when we return from the July 4 break, with a request of OMB to have those figures accurate, we can address this in an accurate way. I believe we are right. I believe the $1.5 billion is an accurate figure. But we agreed in a bipartisan way to say that those moneys shall be spent in 2005 and 2006, that there would be carryover money passing through in a seamless way from those two fiscal years.

If we do what the minority leader, the Democratic leader asks that we do

tonight, it is a political expression. It is not something that will become a functional, operative bill.

The House is out. We are about to go out. There will be no conference. We will be back to visit this again a week from now. The reason we will be back a week from now with or without action on the floor of the Senate tonight is we do not have answers to this problem. We are asking for those answers because this time I have told the Secretary, I have told OMB, and as chairman of the Veterans' Affairs Committee—Senator HUTCHISON is chairman of the Appropriations Committee and made it very clear, and my colleagues on the other side of the aisle are backing us on this—we will get the right figures and we will do it right.

Now, with the new progressions, now with the growth rates understood, now with the incoming out of Iraq and Afghanistan and those numbers clearly understandable, we will serve them as we have been serving them and no veteran so qualified will be denied.

That is what this Congress has done responsibly year after year and that is what this Congress will do. The Senate has acted. But in this hour there is nothing we can do, nor in this instance should do. In that time, no veteran will be denied service.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is interesting to hear the description given by the Senator who is the chairman of the veterans' committee. It is also interesting to put it in the context of where we have come over the last few days.

The amendment on the floor just a few days ago when the shortfall was noted on a bipartisan basis from Senator MURRAY was an amendment less than the one adopted. It was $1.4 billion. The Senator, the chairman of the committee, as well as others, came together on a bipartisan basis and said, That is not enough. That is not enough, $1.4 billion will not meet the shortfall. By our best estimate, they said 24 hours ago or whenever we debated it, we need more, we need $1.5 billion. And we acceded to your knowledge of the agency and your knowledge of its need and came together on a bipartisan basis—I believe the vote was 96 to nothing—and said that is exactly what we will do, $1.5 billion.

Then while we barely finished this work, the House came back and said no, the figure is $975 million or whatever number they came up with, dramatically less than what we had approved.

It strikes me as interesting that we are going to back off of our best estimate and say let's err on the side of less money for the Veterans' Administration. Why wouldn't the Senate be holding fast to its position? Why wouldn't the Senate be holding fast to its position and say we believe $1.5 billion is the right number still, as we believed 24 hours ago when we voted on it? Why do we want to back off at this point and say it must be that much less?

It strikes me, unless there has been a dramatic infusion of new information and knowledge, that we are acceding to the House of Representatives because they have decided to go home.

Mr. REID. Regular order, Mr. President.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. Regular order has been called for. Is there objection?

The majority leader.

Mr. FRIST. Reserving the right to object, and I will be brief, just listening to the conversation, I ask the minority leader's unanimous consent agreement be modified to simply clear the House legislation for 975, and that the House bill be considered read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, with all due respect to the distinguished majority leader, my friend, I will not agree to the modification. I am standing on the unanimous consent request I offered a few minutes ago.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. The question is on the original request by the minority leader for the unanimous consent.

Mr. FRIST. I object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, for the short term, we have a problem that we will resolve when we return a week from now. By then I hope we have accurate figures, so that we can do as I think the Senate wants to do, and as the unanimous consent of the Senate expressed the other evening. At this late hour, all we could do is make a political expression. We could not resolve an issue. I think we are all intent on resolving a very important issue for the sake of our veterans. We hope to have those numbers, and I think we will. Those requests have gone to OMB, to see what their figures are, as I work with the Veterans' Administration, as appropriators do to make sure we have those accurate figures. I think all of us this time want to get it right. I know this Senator does.

I yield the floor.

TRIBUTE TO BERNARD A. ''TONY'' GOETZ

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who has spent much of his life dedicated to improving access to healthcare and educational opportunities for the people of the Commonwealth. Today, I ask my colleagues to join me in honoring Owensboro native, Mr. Bernard A. ''Tony'' Goetz, as he prepares to begin a new chapter in his life—retirement.

I have had the pleasure of working with Tony on several different occasions, particularly through his tenure at the University of Kentucky where he served as Associate Dean of the College of Medicine and later as Director of Government Relations. In addition, Tony dedicated more than half of his professional career to developing an effective alumni affairs program at UK. He also helped establish the UK Center for Rural Health, create the UK Area Health Education System and launch the McDowell Cancer Network, which later became the Kentucky Community Cancer Program.

Tony's background in healthcare education and advocacy dates back to 1965, when he first served as executive director of the Owensboro Council for Retarded Children. He then served as executive director of the Blue Grass Association for Mental Retardation. In his next two jobs, Tony served as chief executive officer of the Bluegrass Regional Health Planning Council, Inc. and the East Kentucky Health Systems Agency, Inc.

Continuing his pattern of selfless service, Tony most recently worked in the Office of the Governor in Frankfort, KY. For the past two sessions, he has served as liaison between the Governor and the Kentucky General Assembly, combining his legendary affable nature with encyclopedic command of details he helped the Commonwealth move forward on a number of legislative fronts. Though his employers and responsibilities have changed over the years, it is obvious that Tony was instrumental and effective at every position he held. He balanced many duties and he performed each of them with tremendous skill. I ask my colleagues in the Senate to join me in honoring Tony Goetz for his dedicated service. I wish him well in retirement.

EULOGY TO FORMER SENATOR JAMES EXON

Mr. REID. Mr. President, I ask unanimous consent that the eulogy given by former Senator Bob Kerrey at the funeral of our late colleague, Jim Exon, be printed in the RECORD.

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

EULOGY FOR SENATOR JIM EXON

(By Bob Kerrey)

To Governor Dave Heineman—I thank you for the wisdom and the generosity to allow these services to be conducted in the rotunda of this capitol that Jim Exon loved so much. It is a precedent worthy of the risk.

To the family of Senator Jim Exon—I pray your pain will pass and become a loving memory. I hope you will always feel pride to have known this great man so well.

To his friends, both in attendance and not—let us count our blessings that we were so fortunate that he cared for us.

To his colleagues who have left their work in the Senate to travel to Nebraska to pay tribute to one of their own: Senators HAGEL and NELSON, Leader REID, Senators BINGAMAN, LEVIN and AKAKA—thank you for honoring Jim in this way.

To the lawyers present—I apologize for I must begin my eulogy to Jim Exon with a lawyer joke. It is, I assure you, the least offensive one he ever told me. A doctor, a teacher, and a lawyer are killed in an automobile accident and find themselves at the gates of heaven at precisely the same time. Saint Peter is in an unusually good mood and asks them each a very easy question: how much is 2 plus 2? In turn the doctor and the teacher give the correct answer and are granted entry through the pearly gates. The lawyer hesitates, pulls Saint Peter aside and whispers: ''What do you want it to be?''

This was a question Jim Exon never asked. He always added up the numbers and gave them to you straight whether or not you liked the answer.

He was born on August 9, 1921. It was a bad day for his St. Louis Cardinals; they lost to the Brooklyn Dodgers 8 to 7.

Each of us is influenced—though by no means limited—by the circumstances of our births. Jim Exon was born the same year that Adolf Hitler became Chairman of the Nazi Party. In that year the United States officially ended World War I and signed a peace treaty with Germany. Radicals Sacco and Venzetti were found guilty of murder by a Massachusetts judge. The Tomb of the Unknown Soldier was dedicated by President Harding at Arlington Cemetery on November 11, Armistice Day. In South Dakota, where Jim was born, scientists held a conference that summer to discuss the unrealized potential of electricity.

He was eight years old when the stock market crashed and the Depression officially began. He was witness to the dust storms and the terrible consequence of the loss of that top soil. He came of age when the possibility of an economic revolution was real, when the New Deal became a salvation and a political way of life for many who believed that FDR had saved their lives.

He was a teenager when the lights came on in two-thirds of Nebraska thanks to rural electrification. He remembered the enactment of Social Security legislation and the hope which the WPA and the CCC gave to grown men and women who had given up.

He was twenty years old when Japan invaded Pearl Harbor. In a single day the naive innocence which had propelled our twenty year disarmament came to a sudden and terrible end. The United States had steadfastly stayed out of the war trying at all cost to avoid this conflict. Thus it was that he came of age at a time when losing our freedoms was not political rhetoric but a real possibility. He knew the terrible price of weakness and isolation.

Both of these big events—the Depression and the Second World War—defined Jim Exon. They explained a lot about who he was, why he took the political and economic positions that he did, and why he always seemed so grateful to be alive and an American. It explains why he didn't complain, why he seemed to take whatever came his way in stride, and why he talked little about the hardships he had so obviously endured. Most of all it explains his values: a lifetime commitment to Pat, his children and his community, and his unrelenting desire to make life a little better for everyone.

The events of Jim Exon's youth explain a lot about Jim Exon, the man. But one thing remains a mystery to me: Where did that laugh come from? I have never heard anything quite like it. It was more like a duck call than a laugh. But, like so many other things about Jim Exon (his pipe, his short sleeve shirts, his big ears) his laugh added to his authenticity. He was a man who never caused you to wonder: what's he thinking? What you saw was what you got with Jim Exon. Except that some people saw this large, big wristed son of the high plains and concluded that he was a rube who could be easily fooled. The thing is Jim Exon could tell when someone was underestimating him and he'd turn it into his advantage—either for fun or the benefit of Nebraskans.

He came to New York City once to visit a number of people, including the New Deal economist Eliot Janeway. Arriving in Mr. Janeway's plush offices Governor Exon saw from the look on the receptionist's face that she was a little taken aback by his look. So, after asking directions to and using the bathroom, he returned to comment to a startled receptionist how wonderful it was to find a place with indoor plumbing.

''That's something we don't have back in Nebraska. And what are those white porcelain bowls hanging on the walls?''

After she explained their function and he exclaimed that he was going to have one installed in the Governor's mansion when he returned to Lincoln, she realized she was being put-on.

Basin Electric in Wyoming was not so lucky. As Governor, Jim had persuaded his friend Attorney General Paul Douglas to bring a lawsuit against the State of Wyoming over a water dispute involving Wyoming's decision to grant a permit to Basin Electric for a new power plant. Negotiating in private Governor Exon emerged with an agreement which created the Sandhill Crane Trust on the Platte River near Grand Island. The net for Nebraska has been hundreds of millions of tourism dollars and sufficient stream flow to guarantee the preservation of an ancient wild bird flyway.

This conservation ethic produced a locally famous encounter at Valentine High School shortly after I arrived in the Senate. Senator Exon had introduced legislation to designate a portion of the Niobrara River as ''scenic,'' which would limit development—something that Cherry County residents are not known for favoring. I suggested to Jim that we schedule a town hall meeting in the high school and invite opponents and supporters to give us their views.

Needless to say few of the latter showed up. In fact we were welcomed at the door of the school by two cowboys on horseback who turned their horses as we approached. In doing so we were able to see hand painted signs they had hung from their saddles. One said Senator Exon; the other said Senator Kerrey. Both had arrows pointed down at the horses' rear ends.

A humbling moment.

As humbling as when he and I first met in 1982. As a relatively unknown candidate for Governor, I wanted to get a photograph of Senator Exon and myself to include in my campaign brochures. Upon meeting him I was surprised how tall he was and even more so when the film was developed. I looked like a small imitation of the real thing standing next to him. In order to use the image I chose to turn the negative slightly when it was printed making us appear a little closer in stature.

Truth is I had to do a lot of that during my sixteen years in elected politics when standing next to him.

What impressed me most about Jim Exon was that he never let his size or his power inflate his personal opinion of himself. Remarkably and gratefully he never lost his humility. He never stopped typing notes to Lenny in the cloakroom about some baseball detail that only he knew. He never stopped returning the calls of friends who had helped him get started or he knew along the way. He began and ended the same.

He made friends with rich and poor alike, with the powerful and the powerless. He could count half a dozen Presidents he had met, including President Bill Clinton with whom he was especially close. They were all the same to him—just another human being with a range of strengths and weaknesses.

He left behind a big and lasting legacy. Balanced budgets, stronger defense, land conserved, rural communities healthier, better schools and jobs, and a more just America. Beyond those accomplishments was something more important. To all of us who met him, knew him, respected and loved him, he was like Jimmy Stewart in ''It's A Wonderful Life.'' Our lives and the places we call home would not have been the same without him. Governor, Senator, Big Jim, J.J. Exon died on Friday at 8:30 p.m. on June 10, 2005, after the Cardinals had secured a 7 to 1 victory over the New York Yankees. For him a perfect ending to his life on this earth.

INTERIOR APPROPRIATIONS

Mr. BYRD. Mr. President, yesterday I voted for both of the amendments offered by Senators BURNS and BOXER in relation to studies that test pesticides on humans. I believe that they are both partially right. We should not cut off vital products from the market that are needed and used in our homes, businesses, and farms. Using the best available scientific data is essential in assuring the public that these valuable products are safe and also readily available. Senator BURNS's amendment would support a thorough review of human dosing studies to make sure that they comport with certain conditions and would report back to the authorizing committees as well as the Appropriations Committee.

At the same time, the EPA should establish strong scientific and ethical standards on studies that expose people, especially young children, to various pesticides, fungicides, and other toxins that are used in commerce. I am concerned that the now-halted study on small children from Jacksonville, FL is an irresponsible example of how to conduct such reviews. Strong standards should apply both to the agency's own studies as well as to third-party studies. Important questions have been raised about the protocols and guidelines of certain studies, and therefore it is only prudent to step back for a year to scrutinize that process. For this reason, I voted for the Boxer amendment.

I hope that the study required by the Burns amendment will be carried out

in a timely and responsible way and provide the necessary information so that approach decisions can be made about the Environmental Protection Agency's rule-making standards applying to the studies human dosing and their toxic effects.

RETIREMENT OF ROBERT ABBEY

Mr. REID. Mr. President, I rise today on the occasion of his retirement, to honor the 27 years of public service of Robert V. Abbey of Reno, NV. Bob hails originally from Mississippi. He was born in Clarksdale and earned his Bachelors Degree in Resource Management at the University of Southern Mississippi. Over the past 8 years, I am proud to say he has become a Nevadan.

Bob began his public service working for the U.S. Army Corps of Engineers. Later he moved to the Bureau of Land Management where he has distinguished himself as a dedicated land manager, visionary leader, and exceptional citizen.

Bob's early career at BLM included tours of duty as a budget analyst in Washington D.C.; assistant district manager in Yuma, AZ, district manager in Jackson, MS; and associate and acting state director in Colorado. Since the fall of 1997, Bob has served as the Nevada State director of the BLM. His job may very well be the toughest in Nevada and perhaps in the ranks of the BLM; in any case, it is among the most important for both.

Although his address has changed many times during his career, his commitment to public lands and public service has never wavered. The West and Nevada are better for it.

Today, Bob Abbey leads a staff of 750 employees who manage 48 million acres of public land in Nevada. He has led the Nevada BLM during an exciting and historic time. Increased public land use, record population growth, evolving management mandates and shrinking budgets represent just a few of the challenges facing the Nevada BLM. Bob Abbey has handled every difficulty with grace and vision.

During his tenure, Bob directed the implementation of the Southern Nevada Public Lands Management Act. This is no small task given that Clark County, NV leads the Nation in sustained growth and development and ever increasing recreational use of public lands.

Bob and his staff also helped me and the other members of the Nevada Congressional Delegation in the development of the Clark and Lincoln County land bills. These bills were among the most significant public lands legislation in the 107th and 108th Congresses, respectively, and Bob's leadership helped make them possible.

Bob's motto that we have more in common than our differences has set the tone for the best working relationships between Federal land managers and Nevadans in my memory. He has inspired his employees to solve problems, take pride in their work, and serve the public with distinction. The results serve as testament to his character, courage, and conviction.

At the end of next week, Bob Abbey will retire from Federal service with a remarkable record of achievements. But perhaps his greatest contribution as a land manager will come to fruition while he is enjoying his retirement with his wife Linda.

After wildfires devastated vast swaths of rangeland in Nevada and other Western States in 1999 and 2000, Bob played a key role in crafting a blueprint for rangeland and ecosystem restoration in the West. The so-called Great Basin Restoration Initiative is a grand vision and roadmap for healing the landscape in Nevada. Unfortunately, to date, the BLM and Department of Interior have yet to match Bob's vision with appropriate funding. It is my hope that this is a temporary delay and that one day soon, a thriving Great Basin ecosystem will serve as the enduring legacy of Bob Abbey's public service.

Although I regret that Bob Abbey is retiring, I know I speak for thousands of Nevadans when I thank him for his exemplary public service and wish him well with his future endeavors. We know Bob has made Nevada and our Nation a better place.

TRIBUTE TO CARLOS A. GARCIA

Mr. REID. Mr. President, it is with great pleasure that I say farewell to one of Clark County's most effective and innovative superintendents, Carlos A. Garcia.

I have worked with Carlos for several years and have had the pleasure of seeing first-hand his work as superintendent of Clark County schools, the fifth largest school district in the Nation.

I believe that one of the reasons he has acclimated so well to Clark County, and Las Vegas in particular, is because he grew up in Los Angeles. After graduating from high school in L.A., he earned bachelor's and master's degrees from Claremont College and an administrative credential in educational administration from California State University.

He developed experience as a teacher and principal in California. After several years, including serving as principal at a National Blue Ribbon School, he eventually became the superintendent of the Fresno Unified School District. When Carlos Garcia arrived in Clark County, he began to reorganize. He divided the county into regions; he began to address achievements and accountability; and he championed the cause of educating Nevada's young people to parents, teachers, business leaders and lawmakers.

It has been my pleasure to participate in different events and discussions with Carlos. We sat around a table with the other 16 superintendents in Nevada to discuss the No Child Left Behind Act. As a result of his organization and participation, I was able to come back to Washington with a clear idea of what Nevada's school districts needed. His leadership of the superintendents was impressive, and the mutual respect was apparent.

Together, Carlos and I welcomed 60 new teachers from the Teach for America program. As a result of this venture, I am a cosponsor of legislation that will ensure that recruiting, training, and supporting this teacher corps will be supported by the Congress. When it comes to our school children and teachers, he always has a plan and always looks toward the future.

Now, Carlos has a new future to plan: his own. I am sorry that I cannot be there to shake his hand. Thank you, Carlos, for being dedicated to providing the children of Clark County with a first-rate public education. All the best to you.

POTENTIAL SUPREME COURT VACANCY

Mr. REID. Mr. President, as the Senate prepares to adjourn for the July 4 recess, one of the most noteworthy developments is an event that has not occurred. Despite widespread speculation, there have been no announced retirements from the United States Supreme Court.

We are all aware that Chief Justice Rehnquist has faced health challenges. I am impressed with his courage and fortitude.

Many feared he would not be able to attend the January inauguration to administer the oath of office to President Bush. But there he was, braving the cold to perform his constitutional duty. Many thought he would retire from the Court long before the end of the Supreme Court term. But there he was last Monday, presiding over the Court's final session, and announcing an important First Amendment decision in which he had authored the majority opinion.

I was not a member of the Senate when William Rehnquist was nominated as an Associate Justice in 1971 or when he was promoted to be Chief Justice in 1986. He was not unanimously confirmed to either position. But the Chief Justice has won many new admirers in the Senate in recent years. We appreciate the dignity and clarity with which he has led the Federal judiciary for almost 20 years. I know I speak for all of my colleagues in commending Chief Justice Rehnquist for his tremendous service to the Court and to the country. I hope he stays on the bench for years to come.

Whenever the Chief Justice or any of the Associate Justices decide to retire, I hope and expect that the President will take seriously the ''Advice'' part of ''Advice and Consent.'' This is not just about the Supreme Court. The President should seek the advice of the Senate regarding all nominees. But consultation regarding a Supreme Court vacancy is especially important.

The Court is of paramount importance in the life of the Nation. These justices deal with complex legal issues that affect the lives of all Americans. It is the final guardian of our rights and liberties.

There is a long tradition of Presidents consulting with the Senate before a Supreme Court nomination occurs.

In 1869, President Grant appointed Edwin Stanton to the Supreme Court in response to a petition from Senators and House members.

In 1932, President Hoover gave Senator William Borah a list of the candidates he was considering to replace Justice Oliver Wendell Holmes. Borah persuaded Hoover to move the name that was on the bottom of the list to the top. That candidate, Benjamin Cardozo, was confirmed unanimously.

In his autobiography, Senator HATCH takes credit for convincing President Clinton not to send the Senate potentially controversial nominees and instead to nominate individuals with broad bipartisan support. Both of President Clinton's nominees, Ruth Bader Ginsburg and Stephen Breyer, were easily confirmed with Senator HATCH's support.

Last week, 44 Senators sent President Bush a letter urging him to use the advice and consent process to unite the country behind a consensus nominee. This built on the bipartisan agreement that averted the nuclear option earlier this year. At least two of the signers of that agreement, Senators NELSON of Nebraska and SALAZAR of Colorado have separately written to the President to urge consultation. A third signer, Senator PRYOR, spoke about the importance of consultation on the Senate floor last week.

Consultation with the Senate is not an end in itself. The purpose of consultation is to help the President arrive at a consensus choice for the Court, a nominee like Sandra Day O'Connor who will bring the country together, not tear it apart.

Meaningful consultation will ensure judges who are fair and independent and who are committed to protecting individual rights and freedoms.

Meaningful consultation will ensure that the President's judicial nominees are highly qualified men and women whose views are within the broad constitutional mainstream.

And meaningful consultation will help us avoid a divisive episode like we saw over the nuclear option. There are too many important issues facing this country to waste the Senate's time fighting over radical extremist judges.

I recently had the opportunity to meet with the White House Counsel, Harriet Miers. Ms. Miers made clear that the White House is not yet prepared to engage in formal consultation with us regarding a possible Supreme Court vacancy because there have been no announced retirements from the Court. I respect that position.

When a vacancy does arise, the President should obtain the views of Senate Democrats about individuals under consideration for appointment to the Court, consistent with the advice and consent clause of the Constitution.

Let me be clear: real consultation does not consist of the White House asking Senators for the names of individuals we think should be considered for appointment to the Court. I am happy to provide such names, but that is not enough. Meaningful consultation under the advice and consent clause means that the President presents the names of individuals he is seriously considering and seeks our views on those candidates.

And of course the nomination of a candidate is just the beginning of the Senate process. There will be comprehensive hearings in the Senate Judiciary Committee, and a thorough debate in the full Senate. Any advice that Senators provide to the President in advance of a nomination is of course subject to review in light of information that comes out during the confirmation process.

As the President considers the range of individuals who might be considered for the Court, I hope he will not limit his search to sitting Federal judges. History demonstrates the value of considering individuals who have achieved prominence in civic life outside of the judiciary. In this century, such diverse figures as former President William Howard Taft, Alabama Senator Hugo Black, and California Governor Earl Warren have served with distinction on the Court.

The Senate may be especially fertile ground for finding a Supreme Court justice. Including Justice Black, some 14 Senators in American history have served on the Court. A current or former Senator would bring an important perspective to the Court's understanding of legislative history, and the need to strike a balance between the will of the majority and the rights of the minority in our society.

I have discussed publicly a number of current Senators who I believe are worthy of the President's consideration. Each of these Senators possesses relevant legal experience and enjoys the respect and admiration of fellow Senators.

Above all, I urge the President to work with the Senate at the appropriate time to identify a consensus nominee who can unite the country. With our country at war and our economy facing challenges, we don't have time for controversial, confrontational judicial nominations. We need cooperation and consensus.

Our Founding Fathers were brilliant to give the executive and the legislative branch shared responsibility for choosing members of the judicial branch. When properly executed, this division of labor ensures that our judges will be independent, and our rights will be protected.

HONORING MERITORIOUS UNIT COMMENDATION TO PORTSMOUTH NAVAL SHIPYARD

Ms. SNOWE. Mr. President, I rise today to honor the best naval nuclear shipyard in America, the Portsmouth Naval Shipyard in Kittery, ME

Today, RADM Anthony W. Lengerich visited the shipyard to celebrate the Meritorious Unit Commendation presented to Naval Shipyard Portsmouth by Chief of Naval Operations Vernon E. Clark on May 12, 2005.

The Commendation in part reads as follows:

> The personnel of Portsmouth Naval Shipyard and tenant activities consistently and superbly performed their mission while establishing a phenomenal record of cost, schedule, quality, and safety performance. The Shipyard embraced the One-Shipyard Initiative and is leading the transformation of our Navy's nuclear ship maintenance base through innovation . . . Portsmouth Naval Shipyard personnel established new performance levels for submarine maintenance, modernization, and overhaul work . . . The Shipyard completed six major submarine availabilities . . . (and) reduced injuries by more than 50 percent . . . Naval Shipyard Portsmouth's extraordinary performance is translating into increased U.S. Submarine Fleet readiness. By their unrelenting determination, perseverance, and steadfast devotion to duty, the officers, enlisted personnel, and civilian employees of Naval Shipyard Portsmouth reflected credit upon themselves and upheld the highest traditions of the United States Naval Service.

Today, at the ceremony marking this exceptional recognition, Admiral Lengerich told the men and women of Portsmouth Naval Shipyard:

> The Navy and the country need you to continue doing what has earned you your reputation for professionalism and patriotism. I'm talking about your work ethic, your enthusiasm, your attention to detail, your willingness to apply diligence in everything you do.

Those of us in the Maine and New Hampshire delegations couldn't agree more.

This is a shipyard that delivered six ships in a row a collective 60 weeks early, that saves $82 million over the Navy's other shipyards for each submarine refueling, and $26 million for each major overhaul, that is the Navy's only ''Star'' Site for safety, that exports its innovation and best practices to other shipyards.

Portsmouth Naval Shipyard has been in existence for 205 years. And while much has changed over the past two centuries, what has not changed is the shipyard workers' commitment to excellence, and the sense of each and every person there that they are contributing their own chapter to the remarkable story of Portsmouth—and to them we extend our most profound appreciation.

From its earliest days, producing wooden ''ships of the line'' to its time as a Navy command during the War of 1812 to its production of 133 submarines, including a record 31 in 1944, the yard has not only been a fixture on the New England seacoast, it has been

a bulwark against the shifting threats to our nation and world across the span of two entire centuries.

The yard was there when the British were our enemy. This yard was there during the darkest hours of World War Two. The yard was there when the Soviet threat in the heart of Europe fueled the cold war. And it has more recently borne witness to both the fall of the Berlin Wall and the end of the Soviet empire.

Today, the Portsmouth Naval Shipyard remains as critical today as it was 205 years ago.

Ralph Waldo Emerson once wrote, ''For what avail the plough or sail, or land or life if freedom fail?

This shipyard, this monument to American ingenuity, this testament to the American worker has for 205 years helped ensure that freedom will not fail. May this crown jewel of the Navy continue to exemplify Maine's motto, ''Dirigo''—''I Lead''.

IRAQ

Mr. KENNEDY. Mr. President, President Bush's address to the Nation Tuesday night on the war in Iraq was more of the same we have been hearing for so long.

We all agree that our men and women in uniform are serving with great skill, dedication, and courage under enormously difficult circumstances in Iraq. The policy of our Government must be worthy of their sacrifice, but unfortunately, it is not, and the American people know it.

The President chose to wrap himself in the tragedy of September 11. He spoke explicitly of the tragedy five times, and he invoked the danger of Osama bin Laden twice. He spoke about terrorists 26 times, and he spoke of terror an additional 9 times, but the American people know that the war in Iraq had nothing to do with September 11.

Even after 9/11, it is wrong for this President or any President to shoot first and ask questions later, to rush to war and ignore serious doubts by experienced military officers and experienced officials in the State Department and the CIA about the justification for the war and the strategy for waging it.

We all know that Saddam Hussein was a brutal dictator. We have known it for more than 20 years. We are proud, very proud, of our troops for their extraordinary and swift success in removing Saddam from power.

But as we also now know beyond doubt, Saddam did not pose the kind of immediate threat to our national security that could possibly justify a unilateral, preventive war without the broad support of the international community. There was no reason whatever to go to war when we did, in the way we did, and for the false reasons we were given.

The administration's insistence that Saddam could provide nuclear material, or even nuclear weapons, to al-qaida has been exposed as an empty threat. It should have never been used by President Bush to justify an ideological war that America never should have fought.

Saddam had no nuclear weapons. In fact, not only were there no nuclear weapons, there were no chemical or biological weapons either, no weapons of mass destruction of any kind.

Nor was there any persuasive link between al-qaida and Saddam and the 9/11 attacks. A 9/11 Commission Staff Statement put it plainly:

> Two senior bin Laden associates have adamantly denied that any ties existed between al-qaida and Iraq. We have no credible evidence that Iraq and al-qaida cooperated on attacks against the United States.

The 9/11 Commission Report stated clearly that there was no ''operational'' connection between Saddam and al-qaida.

Nonetheless, President Bush continues to cling to the fiction that there was a relationship between Saddam and al-qaida.

That is the same logic President Bush keeps using today in his repeated stubborn insistence that we are making progress in Iraq, and that we and the world are safer because Saddam is gone.

In fact, the war with Iraq has made us less safe. It has created a breeding ground for terrorists that did not previously exist. It has created a powerful recruitment tool for al-qaida, and made it harder—much harder—to win the real war on terrorism—the war against al-qaida.

Our soldiers in Iraq need more than assurances of progress from the President. They need more than a public relations campaign. They need an effective plan to end the violence, bring peace and stability to Iraq, and return home with dignity and honor.

The President did not level with our troops and the American people and offer an effective strategy for success.

The President spoke about the importance of training the Iraqi security forces, but failed to outline a clear strategy to accelerate their training and improve their capability.

The training of the Iraqi security forces continues to falter. The administration still has not given the American people a straight answer about how many Iraqi security forces are adequately trained and equipped. In the words of the Government Accountability Office:

> U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.

The President spoke about the importance of our reconstruction effort, but he failed to outline a clear strategy to create jobs and hope for the Iraqi people, and neutralize the temptation to join the insurgents. As of June 15, the administration only spent $6 billion—one-third—of the $18 billion Congress provided last summer for reconstruction. Of the money we do spend, it is far from clear how much is actually creating jobs and improving the quality of life. We need greater focus on small projects to create jobs for Iraqis, not huge grants to multinational corporations that create profits for corporate executives instead of stability for the Iraqi people.

The President spoke about the importance of the international community in Iraq, but he failed to suggest a clear strategy to bring in additional foreign troops to help us get the job done in Iraq.

If NATO is willing to send additional troops to help secure Iraq's borders, the President should ask them to do so. He did not.

If the United Nations is willing to send a force to help secure Iraq's borders, the President should ask the U.N. to do so. He did not.

Nor did the President offer any strategy to prevent further reductions in the forces of the international coalition. A year ago, we had 34 coalition partners in Iraq. Nine of those partners have pulled out. Today, we have just 25. American forces still make up nearly 85 percent of the troops fighting in Iraq. By the end of the year, five more countries among the largest contributors of troops are scheduled to pull out. The President said nothing about how he intends to prevent more troops in the coalition from pulling out.

The President spoke about the hard work of our troops, he urged Americans to send them letters and raise flags in their honor, but he did not assure them that they will have the equipment they need to fight the war.

More than 400 of our troops in Iraq have died in military vehicles hit by roadside bombs, grenades, and other so-called improvised explosive devices. Yet troops don't have the protective equipment they need. The Marines are still waiting for the 495 armored humvees they ordered last year.

The American people rightly believe we are bogged down in Iraq and that the President has no realistic strategy for success. A quagmire by any other name is still a quagmire. The dictionary defines a quagmire as ''a complex or precarious position where disengagement is difficult.'' That is precisely what we have in Iraq—not because of the hard work and dedication of our military, but because of the persistent mistakes made by the President and his national security team.

No one has been more responsible for those mistakes than Secretary of Defense Rumsfeld. He has been consistently wrong about Iraq.

He was wrong about weapons of mass destruction.

He was wrong about the number of troops we would need in Iraq.

He was wrong to keep calling the insurgents deadenders.

He was wrong to send our service men and women into battle month after month without proper armor.

He was wrong to exaggerate our success in training Iraqi security forces.

A single word spoke volumes at the Senate Armed Services Committee

hearing on Iraq on June 23. Secretary Rumsfeld's prepared testimony contained these words:

In every war, there are individuals who commit wrongdoing. And there are mistakes, setbacks, and hardships.

He repeated those words to the committee with a notable exception. He left out the word ''mistake.''

Accepting the resignation of Donald Rumsfeld is the most important first step the President can take toward a new and more successful policy in Iraq.

Reality is difficult to swallow. Facts, as John Adams once said, are stubborn things. President Bush should face the facts and accept them.

I say this with deep sorrow and regret for our service men and women, their families, and friends. They deserve better and they deserve it now.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2005 budget through June 28, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 Concurrent Resolution on the Budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by $5.062 billion in budget authority and by $72 million in outlays in 2005. Current level for revenues is $407 million above the budget resolution in 2005.

Since my last report dated May 26, 2005, the Congress has cleared and the President has signed the Surface Transportation Extension Act of 2005 (P.L. 109–14), which changed budget authority. In addition, the Congress has cleared for the President's signature S. 714, the Junk Fax Prevention Act of 2005, which had a negligible effect on revenues.

I ask unanimous consent the report and accompanying letter be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through June 28, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006.

Since my last letter, dated May 26, 2005, the Congress has cleared and the President has signed the Surface Transportation Extension Act of 2005 (P.L. 109–14), which changed budget authority. In addition, the Congress cleared for the President's signature S. 714, the Junk Fax Prevention Act of 2005.

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF JUNE 28, 2005

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,996.6	1,991.5	−5.1
Outlays	2,023.9	2,023.8	−0.1
Revenues	1,483.7	1,484.1	0.4
OFF-BUDGET			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF JUNE 28, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:[1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions:	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−1,058	4	41
Surface Transportation Extension Act of 2005 (P.L. 109–14)	44	0	0
Total, enacted this session:	−1,014	4	41
Passed Pending Signature:			
Junk Fax Prevention Act of 2005 (S. 714)	0	0	*
Total Current Level [2,3]	1,991,513	2,023,813	1,484,065
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements [4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	407
Current Level Under Adjusted Budget Resolution	5,062	72	n.a.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

Source: Congressional Budget Office.

Notes.—n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

FIFTY CALIBER SNIPER RIFLES AND TERRORISTS

Mr. LEVIN. Mr. President, the .50 caliber sniper rifle is employed by militaries around the world because of its powerful and destructive capabilities. Fifty caliber sniper rifles in the hands of terrorists pose a significant threat to our homeland security. Unfortunately we have not done enough to help keep terrorists from acquiring these dangerous weapons.

Published reports indicate that .50 caliber sniper rifles are capable of accurately hitting a target more than 1,500-yards away with a bullet measuring a half-inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties that can easily punch through aircraft fuselages, fuel tanks, and engines.

One leading manufacturer of the .50 caliber sniper rifle, Barrett Firearms, posts a variety of news and magazine articles to promote the capabilities of its product on its website. One such article, titled ''Practical to Tactical'' originally appeared in the April 2004 issue of American Rifleman, a publication of the National Rifle Association. The article details how Ronnie Barrett, founder of Barrett Firearms, originally designed his .50 caliber rifle to be a ''long-range target gun'' but was later able to sell it to the U.S. military for use during the first Iraq war to ''destroy hard targets, such as radar sites, bunkers, and light armored vehicles.'' The U.S. military has also used the Barrett .50 caliber sniper rifle during the current war in Iraq. According to the article, a U.S. Army report regarding operations in Iraq said: ''The Barrett .50-cal Sniper Rifle may have been the most useful piece of equipment in

the urban fight'' and ''was used to engage both vehicular and personnel targets out to 1,400 meters.'' It continued, ''Soldiers not only appreciated the range and accuracy but also the target effect. Leaders and scouts viewed the effect of the .50-cal. round as a combat multiplier due to the psychological impact on other combatants that viewed the destruction of the target.''

Fifty caliber sniper rifles are sold not only to military buyers, they are also available to private individuals in the United States. Under current law, .50 caliber sniper rifles nearly identical to those described in the Army's report can be purchased by private individuals with only minimal Federal regulation. In fact, these dangerous weapons are treated the same as other long rifles including shotguns, hunting rifles, and smaller target rifles.

I am a cosponsor of the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN, D–CA. This bill would reclassify .50 caliber rifles under the National Firearms Act, NFA, treating them the same as other high powered or especially lethal firearms like machine guns and sawed off shotguns. Among other things, reclassification of .50 caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50 caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

Adoption of the common sense Fifty-Caliber Sniper Weapon Regulation Act would help to ensure that these dangerous weapons are not obtained by terrorists and used against innocent Americans. We can, and must, do more to help keep military style firearms out of the hands of potential terrorists.

RURAL WATER SUPPLY ACT OF 2005

Mr. BURNS. Mr. President, today, I join my colleagues Senator DOMENICI, BENNETT, DORGAN, MURKOWSKI, BINGAMAN, JOHNSON, and SALAZAR, in support of S. 895, the Rural Water Supply Act of 2005.

The Rural Water Supply Act directs the Secretary of the Interior to develop a program that ensures that a basic need—the need for a clean, safe, affordable, and reliable water supply—is not neglected. Overall, the bill will guarantee that the Bureau of Reclamation has sufficient authority to address the unique needs of rural and small communities in the West, and it will do so in a manner that respects the States' primary role in water resources management.

The U.S. Census Bureau cites that 46 percent of Montanans lived in rural areas in 2000. These people and others in Western States deserve a safe, affordable, and reliable water supply—an essential component of a healthy life.

I look forward to working with my Senate colleagues to pass this important piece of legislation for not only Montanans but for all rural citizens in Western States.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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

A gay man reported that an unknown man began to choke him and verbally harass him using antigay slurs while riding a train in Brooklyn. The assailant ran out of the train at the next station following the attack.

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

EASING THE CRISIS IN HEALTH INSURANCE

Mr. ENZI. President, I rise today to speak to the ever worsening crisis of cost, coverage, and confidence in our health insurance system, but, more importantly, to outline what I believe to be several positive steps we can take in the near term toward relieving an impasse that has long stalled progress toward relief.

As I speak today. we are nearing almost 5 years of double-digit growth in health insurance premiums—increases that have repeatedly exceeded more than five times the rate of inflation. Since 2000, for example, group premiums for family coverage have grown nearly 60 percent, compared to an underlying inflation rate of 9.7 percent over the same period.

Not surprisingly, those hardest hit are America's small businesses and those individuals outside of employer-provided insurance. These are the ones with the least market leverage and the weakest ability to pool risk. Already, among the very smallest of our businesses, those with fewer than 10 employees, only 52 percent offer coverage to their employees.

Mr. President, I am a realist. The most fundamental drivers of health care costs are ones that defy near-term solutions. These drivers include advances in costly medical treatments, Americans' continuing appetite for such treatments, lack of transparency in pricing, and an antiquated third-party payment system that insulates consumers from seeing the true cost of care they receive.

To take just one example, I—like many of my colleagues—would strongly support shifting much of our current tax subsidy of health insurance away from the employer and toward the individual. However, I fully recognize that any change on such a scale is, at best, years away.

And yet, like most Members in this body, I am hearing an ever growing chorus of concern from my constituents about health insurance—and most especially from small businesses.

America's families and small businesses don't want us to wait for the perfect solution or the perfect moment. They need real help, and they need it now.

Recognizing this increasing concern, and as the new Chairman of the Senate's Health, Education, Labor and Pensions Committee, I have made it a priority in recent months to seek the counsel of stakeholders, citizens, experts, and fellow Members of Congress on how we might come together on a package of insurance reforms we can realistically hope to enact in this Congress.

The most visible proposal now on the table—at least for the small group market—is the approach known as association health plans, or AHPs. Under this proposal, which was introduced in this Congress by Senators SNOWE and TALENT, qualifying trade associations would be permitted to band together their members for purposes of offering health coverage.

Association health plans hold significant promise—particularly in the pooling of risk, economies of scale, and market clout they could lend to thousands of small businesses.

At the same time, however, the AHP bills in their current form may also go too far in allowing some association plans to play by a separate set of rules than those governing the rest of the small group insurance marketplace, thereby tempting adverse selection and market disruption. Another concern is the fact that the current AHP proposals would shift primary oversight over many association plans away from States and move it to the Federal Government.

Regrettably, debate over these AHP pros and cons has hardened into a political and stakeholder stalemate—a stalemate that has helped block constructive action on new insurance reform for nearly a decade.

It is time we reached an end to this impasse.

Toward this end, I appreciate the hard work of Senators SNOWE and TALENT and other AHP proponents in working with me on possible compromise approaches. And similarly, I am encouraged by what appears to be a growing pragmatic spirit amng traditional AHP critics such as insurers and State regulators.

Meanwhile, other of my colleagues, such as Senator DEMINT and Senators

DURBIN and LINCOLN, have also come forward with serious contributions to the discussion.

I look forward to working with my colleagues of both parties, as well as with key stakeholders, in putting forward a full proposal for consideration by the HELP Committee and by the Senate.

However, as we move forward with this process, I want to pause today to identify certain foundation principles and reform components I believe should guide the direction we pursue:

No. 1, association-based plans should have the opportunity to harness the advantage of independent pooling and play a commercially meaningful role in the coverage marketplace—and if that puts market pressure on insurers, so much the better. At the same time, however, the coverage provided to association members should be subject to underlying regulatory and consumer protection requirements substantially comparable to those applicable to all entities offering similar coverage. In short, associations deserve a real seat at the coverage table, but that table should not have a substantial tilt one way or the other.

No. 2, the current hodgepodge of varying state health insurance regulation should be streamlined, thereby easing administrative and regulatory costs, and facilitating a larger number of plans in more states. Such ''harmonization'' was among the options put forward last year by the Senate's Republican Task Force on Health Care Costs and the Uninsured. Under such an approach, states would be encouraged or required to adopt common sets of rules in targeted areas of health insurance regulation, such as rating and underwriting, though State oversight and enforcement authority would remain.

No. 3, individuals and businesses should have the opportunity to purchase lower-cost plans free or largely free of state benefit mandates. Though most purchasers will likely choose fuller coverage, it is important to assure that lower-cost alternatives exist as a safeguard for those who are struggling at the margin. Not everyone needs or wants the same degree of coverage, and where possible, our insurance laws should accommodate this reality.

No. 4, primary responsibility for most insurance oversight and consumer protection should remain with the state insurance commissions—including the right to assess health plans, including association plans. Although some degree of new Federal involvement will likely be necessary, it should be kept to a minimum. Though far from perfect, our State insurance commissions are much closer to the real problems confronted by purchasers of insurance in their communities than would be a federal agency in Washington.

No. 5, the focus of our immediate effort should be on policies that do not require significant Federal outlays. Many laudable proposals have been put forward by the President and others for tax-based and other financial assistance for the purchase of insurance, and many of these should be pursued with vigor. We should not, however, allow the fiscal challenge of enacting such policies to sidetrack our efforts to advance less costly improvements.

I am open to suggestions, and I am open to compromise—but I am not open to continued inaction.

My intention is for these principles to serve as a foundation for the swift finalization and passage of a health insurance reform package that will deliver real relief to America's small businesses and struggling families.

I ask unanimous consent that a summary overview of these principles be printed in the RECORD.

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

Foundation Principles

HEALTH INSURANCE REFORM

Senator Mike Enzi

U.S. SENATE HEALTH, EDUCATION, LABOR, AND PENSIONS COMMITTEE JUNE 2005

Meaningful role for associations, but on a level playing field: Association-based plans should have the opportunity to harness the advantage of independent pooling and play a commercially meaningful role in the coverage marketplace, but provided that the coverage offered to association members is subject to underlying regulatory and consumer protection requirements substantially comparable to those applicable to all entities offering similar coverage.

Associations deserve a real seat at the coverage table, but that table should not have a substantial tilt one way or the other.

Streamlining of regulations: The current hodgepodge of varying state health insurance regulation should be streamlined, thereby easing administrative and regulatory costs, and facilitating a larger number of plans in more states.

Under such an approach, states would be encouraged or required to adopt common sets of rules in targeted areas of health insurance regulation, such as rating and underwriting, though state oversight and enforcement authority would remain.

A version of such ''harmonization'' was among the options put forward last year by the Senate's Republican Task Force on Health Care Costs and the Uninsured.

Access to reduced-cost options: Individuals and businesses should have the opportunity to purchase lower-cost coverage free or largely free of state benefit mandates.

Though most purchasers will likely choose fuller coverage, it is important to assure that lower-cost alternatives exist as a safeguard for those who are struggling at the margin.

Not everyone needs or wants the same degree of coverage, and where possible, our insurance laws should accommodate this reality.

Strong state-based consumer protection and oversight: Primary responsibility for most insurance oversight and consumer protection should remain with the states—including the right to assess health plans, including association plans.

Although some new federal involvement may be needed, it should be kept to a minimum.

Though far from perfect, our state insurance commissions are much closer to the real problems confronted by purchasers of insurance in their communities than would be a federal agency in Washington.

Budget neutrality: The focus of our immediate effort should be on policies that do not require significant federal outlays.

Many laudable proposals have been put forward by the President and others for tax-based and other financial assistance for the purchase of insurance, and many of these should be pursued with vigor.

We should not, however, allow the fiscal challenge of enacting such policies to sidetrack our efforts to advance less costly improvements.

THERE HE GOES AGAIN . . .

Mr. BUNNING. As my good friend and fellow Hall of Famer Yogi Berra once said, ''Its deja vu all over again.'' Once again, Chairman Greenspan and the Federal Open Market Committee, FOMC, are taking us down an economic path that is fraught with peril by unnecessarily raising interest rates.

Surveys show that Americans are much more worried about filling their gas tank than fitting into their swimsuit this summer, which may be a first. But nonetheless, despite record high energy prices, the Chairman Greenspan continues to raise rates. He is fighting an inflationary boogeyman that does not exist. Meanwhile, there is a very good chance his policies will lead us into the third recession of his tenure and American workers will suffer from his antics.

This reminds me of the summer of 2000, when all signals pointed toward a recession, but Chairman Greenspan refused to cut interest rates. When he finally did cut rates on January 3, 2001, in an emergency meeting after refusing to cut at the FOMC's regularly scheduled on December 19, 2000, the damage was done. And the recession that was greatly exacerbated by September 11 was already underway.

I am very concerned with the Federal Reserve's continued raising of interest rates. The Federal Reserve, it seems to me, continues to fix an economy that just is not broken. It is almost as if the Federal Reserve is frightened by success. They are once again throwing a wet blanket on an inflationary fire that does not exist.

As I have said before, I do not believe the Federal Reserve's economic models are factoring in the impact of new technologies on the economy. They do not account for our increase in productivity. I also do not believe they take into account the psychological effects of higher energy prices. Chairman Greenspan, probably doesn't have to fill up his own car very often, but families all over Kentucky and across the United States are feeling the sting of record gas prices, and it troubles them greatly.

We are coming to a crucial point in our economy, a point where it can not sustain higher and higher interest rates. As our interest rates rise like helium, our economy will suffer, housing starts will be down, and we will lose

the economic momentum we have enjoyed. Apparently Chairman Greenspan wants to do to the housing market what he did to the stock market, and once again the average American on Main Street USA will suffer.

Sometimes, I feel like a voice crying out in the wilderness, but somebody has to tell Alan Greenspan and the FOMC that prosperity is not the enemy. I hope it will not take another recession for Chairman Greenspan to learn that lesson. The American people have already learned those lessons during his tenure in very painful ways.

IN MEMORY OF MARCIA LIEBERMAN

Mr. DODD. Mr. President, I rise to speak in memory of Marcia Lieberman, who passed away on June 26 at the age of 90.

Marcia was the mother of my dear friend and our colleague, JOE LIEBERMAN, with whom I have had the pleasure of serving in this body for 16 years. She was born in 1914, lived through the Depression, and ran her husbands business when he left to serve in World War II. She was active in senior centers and Connecticut Jewish groups. She campaigned with her son many times and served as his liaison to seniors. Her commitment to her community was constant and selfless. But biographical information alone cannot adequately describe this remarkable woman. Her legacy is an entire life lived well, a long string of simple moments of kindness and love.

It is possible to get a glimpse of that character in the anecdotes that have been told about her—the care packages to reporters, the quips to Larry King, and the matchmaking services offered to a traveling reporter. But it is more clearly illuminated in the warm memories of those of us who knew her, which were echoed in the beautiful eulogies that Senator LIEBERMAN and his children gave on Tuesday of this week at her funeral service.

As they so eloquently said, and as all her friends knew, Marcia strongly believed in the importance of family and was openly warm and caring with everyone she met. During Marcia's funeral service, the rabbi asked how many people in the audience believed they were her friend. Everyone raised their hand. He then asked who believed they were one of her best friends. Again, everyone raised their hand. She had an uncanny ability to make people feel close to her. This quality, among others, put people at ease and gave them confidence in themselves.

Marcias loving nature often took the form of great strength and courage. She insisted that the members of her family take care of each other and live ethically. She was witty and saw the joy and humor in life until the very end. Even in the last few weeks of her life, she maintained her well-known strength and resilience, which helped her family through this difficult time.

She was a beautiful person, whose humor, kindness, and love were infectious for those who met her. She will be dearly missed.

I offer my deepest condolences to JOE, his sisters Rietta and Ellen, the whole Lieberman family, and to the countless others whose lives were enriched by Marcia Lieberman.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS

Mr. THUNE. Mr. President, I applaud my colleagues for coming together in a bi-partisan manner to fix the budget shortfall at the VA. I proudly cosponsored the amendment and believe it was the best thing and the right thing to do. The amendment will provide $1.5 billion in badly needed funds. Although the VA could limp along until fiscal year 2006, it would have to do so by raiding other accounts and cutting back on other projects. This is simply unacceptable.

I am proud the Senate chose unity over division to make sure that the shortfall at the VA does not affect veterans. I applaud the Senate leadership, Republican and Democratic, for both decisive and effective action.

The importance of adequately funding the VA cannot be understated. Along with our existing veterans, our men and women returning from Operation Iraqi Freedom and Operation Enduring Freedom need a VA that can support them and care for them.

CONSULTATION ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last week a number of Senators urged the President, if a vacancy were to arise on the Supreme Court, to consult with Senators from both parties. I commend, in particular, Senator KENNEDY, a former Judiciary Committee chairman for his perspective on this and thank him for his diligence in helping make this essential point in his statements again this week.

Forty-four Senators sent the President a joint letter urging consultation and a consensus nomination. In addition, I understand that Senators Nelson and Salazar have also urged consultation.

Likewise the 14 Senators in the bipartisan group that averted the nuclear option included strong language in their agreement urging bipartisan consultation by the President. They wrote:

> We believe that, under Article II, Section 2, of the United States Constitution, the word ''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.
>
> We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree. Bipartisan consultation is consistent with the traditions of the Senate and would return us to practices that have served the country well. They are right to urge greater consultation on judicial nominations.

Last week some on the other side of the aisle criticized me for offering to help the President should a Supreme Court vacancy arise. At the time, I said I stood ready to work with President Bush to help him select a nominee to the Supreme Court who can unite Americans. In spite of the unfair criticism, I reiterate today my willingness to help. I have urged consultation and cooperation for 4 our years and have continued to reach out over these last few weeks to the President. I hope that if a vacancy does arise the President will finally turn away from his past practices, consult with us and work with us.

I am troubled by the divisive battle lines being drawn by some right-wing groups that have launched attack ads in recent weeks. They attack Democratic Senators generally and individually in advance of a vacancy or a nomination. The other side has established a new low by going ''negative'' in advance and being critical in anticipation of a fight that I and others here in the Senate are working to avoid. The partisan activists supporting the White House have boasted for weeks about their war chest of upwards of $20 million to be used to crush any opposition to this White House's selection. They have now chosen to fire a nasty preemptive strike in what they intend to make all-out partisan political warfare.

If the White House intends to follow that plan, it will be most unfortunate, unwise and counterproductive. I have urged, Democrats have urged a better way. Although the landscape ahead is sown with the potential for controversy and contention should a vacancy arise on the Supreme Court, confrontation is unnecessary. Consensus should be our mutual goal.

I hope the President's objective will not follow the path he has taken with so many divisive circuit court nominees and send the Senate a Supreme Court nominee so polarizing that confirmation is eked out in the narrowest of margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the public and by the Senate.

The process will begin with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation.

The power to avoid political warfare with regard to the Supreme Court is in the hands of the President. Senate Democrats are not spoiling for a fight however much partisans on the other side may be. The person who will decide whether there will be a divisive or unifying process and nomination is the President. If consensus is a goal, bipartisan consultation will help achieve it. That is what the American people want and what they deserve.

The Supreme Court should not be a wing of the Republican party, nor should it be an arm of the Democrat party. If the rightwing activists convince the President to choose a divisive nominee, they will not prevail without a difficult Senate battle. And if they do, what will they have wrought? The American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the Federal courts as places in which ''the fix is in.''

I take the President at his word. He made a public commitment at a press conference several weeks ago to consult with Democratic as well as Republican Senators should a Supreme Court vacancy arise. If there were to be a vacancy, I look forward to consulting with the President.

Our Constitution establishes an independent Federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. That independence is what makes our judiciary the model for others around the world. That independence is at grave risk when a President seeks to pack the courts with activists from either side of the political spectrum. We need fair judges, not sure votes for a partisan agenda.

The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidate with the least number of votes possible, Democratic Senators are urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity.

The independence of the Federal judiciary is critical to our American concept of justice for all. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can meet these criteria and who are not rigid ideologues.

This is a difficult time for our country and we face many challenges. The President addressed the Nation about the difficult situation in Iraq just this week. We need to confront the truth about the situation in Iraq and develop a concrete strategy rather than the swaggering rhetoric we hear so much of lately. We need to do more about the rising gas prices and health care costs that burden so many Americans. We need to improve the economic prospects of Americans. We need to work together to defend against real threats, the proliferation of nuclear weapons, and disruption of critical food, water, energy and information services. It is my hope that we can work together on many issues important to the American people, including maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

Justice Thomas remarked this past Tuesday on the ''winds of controversy swirling . . . about the imagined resignations'' from the Supreme Court. We were all reminded, again, this week of the humanity of the Chief Justice of the United States Supreme Court. He concluded this year's term with dignity, humour and steadfastness. Despite the rampant speculation that continued this week, I know that the Chief Justice will retire when he decides that he should, not before. He has earned that right after serving on the Supreme Court for more than 30 years, the last 19 as the Chief Justice. I have great respect and affection for him and he is in our prayers.

Mr. CORNYN. Mr. President, in light of recent comments on the floor of this body concerning the possibility of a Supreme Court vacancy, I ask unanimous consent that an op-ed that I published in National Review Online on Monday, June 27, 2005, be printed in the RECORD.

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

[From the National Review Online, Jun. 27, 2005]

R–E–S–P–E–C–T

FOR THE LAW, FOR THE COURT, FOR THE CONSTITUTION, FOR THE NOMINEE...

(By Senator John Cornyn)

It wouldn't be summertime in Washington if speculation weren't running rampant about the possibility of a retirement announcement from the Supreme Court. But whatever the time frame for a Supreme Court vacancy, the process for selecting the next associate or chief justice should reflect the best of the American judiciary—not the worst of American politics. We deserve a Supreme Court nominee who reveres the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

History affords us some important benchmarks for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and a wrong way to debate the merits of a Supreme Court nominee. The Senate's past record, unfortunately, has been mixed.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks. And whoever the nominee is, the Senate should apply the same fair process that has existed for over two centuries: confirmation or rejection by majority vote.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. We should not be surprised if a person of the stature and legal ability to be considered for appointment to the Supreme Court has spent at least some time thinking, and perhaps speaking and writing, about the important and sensitive issues of the day. But a nominee should not be punished simply for exercising his talents. After all, judges swear an oath to obey and to apply the law—not their own personal, political views.

When President Clinton nominated Ruth Bader Ginsburg to the Court in 1993, senators knew that she was a brilliant jurist with a strong record of service in the law. Senators also knew she served as general counsel of the American Civil Liberties Union—a liberal organization that has championed the abolition of traditional marriage laws and attacked the Pledge of Allegiance. And they knew she had previously written that traditional marriage laws are unconstitutional; that the Constitution guarantees a right to prostitution; that the Boy Scouts, Girl Scouts, Mother's Day, and Father's Day are all discriminatory institutions; that courts should force taxpayers to pay for abortions, against their will; and that the age of consent for sexual activity should be lowered to age 12. The Senate nevertheless confirmed her by a 96–3 vote.

Similarly, Stephen Breyer (nominated in 1994 by President Clinton) and Antonin Scalia (nominated in 1986 by President Reagan) are brilliant jurists with strong records of service. Breyer had previously served as chief counsel to Senator Ted Kennedy on the Senate Judiciary Committee, and his nomination to the Court was opposed by many conservatives because of his alleged hostility to religious liberty and private religious education, while Scalia was known to hold strongly conservative views on a number of topics. The Senate nevertheless confirmed them by votes of 87–9 and 98–0, respectively.

The confirmation proceedings of Ginsburg, Breyer, and Scalia provide a helpful model for future behavior. Each of those nominees enjoyed exceptional legal credentials. Each possessed strongly held personal political views. And each commanded the support of a broad bipartisan majority of senators.

Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks. Any debate over the next nominee to the Supreme Court must be conducted with respect and honesty. At a minimum, senators can disagree without being disagreeable. At a minimum, senators can debate the issues honestly, and refrain from distorting and misrepresenting records and rulings.

Unfortunately, respect for nominees has not always been the standard. Lewis Powell was accused of demonstrating ''continued hostility to the law'' and waging a ''continual war on the Constitution,'' and Senate witnesses warned that his confirmation would mean that ''justice for women will be

ignored.'' John Paul Stevens was charged with ''blatant insensitivity to discrimination against women.'' Anthony Kennedy was scrutinized for his ''history of pro bono work for the Catholic Church'' and found to be ''a deeply disturbing candidate for the United States Supreme Court.'' And David Souter was described as ''almost Neanderthal,'' ''biased,'' and ''inflammatory.'' One senator said Souter's civil rights record was ''particularly troubling'' and ''raised troubling questions about the depth of his commitment to the role of the Supreme Court and Congress in protecting individual rights and liberties under the Constitution.'' That same senator condemned Souter for making ''reactionary arguments'' and for being ''willing to defend the indefensible,'' and predicted that if confirmed, Souter would ''turn back the clock on the historic progress of recent decades.'' At Senate hearings, witnesses cried that ''I tremble for this country if you confirm David Souter,'' warning that ''women's lives are at stake'' and even predicting that ''women will die.''

The best apology for these ruthless and reckless attacks is for them never to be repeated again. Unfortunately, the record is not promising. Even before President Bush took office in January 2001, the now-Senate Democrat Leader told Fox News Sunday that ''we have a right to look at John Ashcroft's religion,'' to determine whether there is ''anything with his religious beliefs that would cause us to vote against him.'' And over the last four years, this president's judicial nominees have been labeled ''kooks,'' ''Neanderthals,'' and ''turkeys.'' Respected public servants and brilliant jurists have been called ''scary'' and ''despicable.''

Unfortunately, honest debate about a nominee's record has not always been the standard, either. Records and reputations have been distorted beyond recognition. Rulings that stated one thing have been characterized to say precisely the opposite. For example, during the debate over the nomination of my former Texas Supreme Court colleague, Justice Priscilla Owen, I chronicled numerous examples of her previous rulings that were blatantly misrepresented by partisan opponents of her nomination.

Moreover, in recent weeks, we've begun to see a particularly odd tactic take form. Some lower-court nominees have been attacked for belonging to a movement that, to my knowledge, does not even exist—the so-called ''Constitution in Exile.'' What's more, opponents of this fictional movement seem to talk out of both sides of their mouth. Senate Democrats excoriated Justice Owen in part for her refusal to adhere to an allegedly central tenet of the Constitution in Exile—the nondelegation doctrine. And it was four Ninth Circuit judges appointed by Presidents Clinton and Carter who recently used another alleged doctrine of the Constitution in Exile—the Commerce Clause—to strike down federal laws prohibiting the use of marijuana and the possession of child pornography. If a ''Constitution in Exile'' movement really exists, its membership seems to include Senate Democrats and Democrat-appointed federal judges.

Reasonable lawyers can and do often disagree with one another in good faith. They do so respectfully and honestly—without distortions and false charges of being ''out of the mainstream.'' We should likewise demand that the Senate restore respectful and honest standards of debate to the confirmation process.

And whoever the nominee is, the Senate should apply the same fair process that has existed for over two centuries—and that is confirmation or rejection by majority vote. The rules governing the judicial confirmation process should be the same regardless of which party controls the White House or the Senate. Since our nation's founding over two centuries ago, the consistent Senate tradition and constitutional rule for confirming judicial nominees—including nominees to the Supreme Court—has been majority vote. (In the case of Abe Fortas, his nomination to be chief justice was withdrawn, after a procedural vote revealed that his nomination did not command the support of a majority of senators.)

Indeed, throughout history the Senate has consistently confirmed judges who enjoyed majority but not 60-vote support—including Clinton appointees Richard Paez, William Fletcher, and Susan Oki Mollway, and Carter appointees Abner Mikva and L. T. Senter. Yet for the past two years, a partisan minority of senators tried to impose a 60-vote standard on the confirmation of President Bush's judicial nominees. Thankfully, that effort was recently repudiated, when the Senate restored Senate tradition by confirming a number of this president's nominees by majority vote.

The effort to change our 200-year custom and tradition by imposing a new and unprecedented supermajority requirement for confirming judges is dangerous to the rule of law, because it politicizes our judiciary and gives too much power to special interest groups. As law professor Michael Gerhardt, a top Democrat adviser on the confirmation process, has written, ''the Constitution also establishes a presumption of confirmation that works to the advantage of the president and his nominees.'' According to Professor Gerhardt, a supermajority rule for confirming judges ''is problematic because it creates a presumption against confirmation, shifts the balance of power to the Senate, and enhances the power of the special interests.''

Senate Democrats have recently asked to be consulted about any future Supreme Court nomination—even though the Constitution provides for the advice and consent of the Senate, not individual senators, and only with respect to the appointment, not the nomination, of any federal judge. If senators want such a special role in the Supreme Court nomination process, the president should first insist on their commitment to the three principles described above.

After years of unprecedented obstruction, and destructive politics, we must restore dignity, honesty, respect, and fairness to our Senate confirmation process. That is the only way to keep politics out of the judiciary.

TRIBUTE TO JOAN PIERMARINI

Mr. ROBERTS. Mr. President, I would like to take a moment to recognize Joan Piermarini, who is retiring after 20 years of service to the Senate Select Committee on Intelligence. Joan has served the committee under seven chairmen—a testament to her dedication and loyalty. I thank Joan for her many tireless efforts and the significant contributions she has made to the committee. We congratulate her on a job well done and wish her many years of happiness with her family, especially her grandson Luke.

HONORING OUR ARMED FORCES

A COLORADO HERO: ARMY SFC CHRISTOPHER W. PHELPS

Mr. SALAZAR. Mr. President, I rise today to take a moment to remember one of Colorado's fallen heroes: Army SFC Christopher W. Phelps. Sergeant Phelps was killed last week in Baghdad, Iraq, while serving this Nation. He was 39.

Sergeant Phelps was a native of Louisville, KY. He graduated Male High School in 1984 where he was a standout athlete, helping to lead the Bulldogs to the State football playoffs. Sergeant Phelps went on to Kentucky State and a junior college in Mississippi before he enlisted in the Army.

In the Army, Sergeant Phelps served in the first Gulf war, where he drove a tank. This past spring, he was deployed to Iraq as a member of the Third Armored Cavalry Regiment based out of Fort Carson in Colorado. He enjoyed serving in the Army and was proud to be serving his country so honorably. He was a natural leader, a trait reflected by the nickname the members of his platoon gave him: ''Dad.''

While serving in Iraq, Sergeant Phelps was deeply moved by what he saw. He wrote home of the terrible poverty he witnessed and how much work was left to be done in Iraq. But Sergeant Phelps knew, as so all of our men and women in uniform, that our efforts were making Iraq a better place.

In his high school yearbook, an 18-year-old Christopher Phelps selected as a quote: ''Do all you can while you can before it is too late.'' Sergeant Phelps embodied this sentiment in everything he did, from his days as a high school athlete to his exemplary service to our Nation and to the cause of freedom.

SFC Christopher Phelps served this country with honor and distinction and we are all humbled by his sacrifice. To his wife, Bobbi, and his daughters and son, my prayers are with you, as are those of an entire nation. Christopher's service to and sacrifice on behalf of this Nation will never be forgotten.

DETENTION CENTER AT GUANTANAMO BAY, CUBA

Mr. LEAHY. Mr. President, at a Defense Department news briefing in December 2001, a reporter asked Secretary Rumsfeld why we should use Guantanamo Bay to hold detainees. Secretary Rumsfeld's answer was that he ''would characterize Guantanamo Bay, Cuba, as the least worst place we could have selected.'' This was hardly a ringing endorsement. Now, 4½ years later, the administration and its defenders have been trying to change the subject from the legal morass that Guantanamo has become, and to argue that Guantanamo is like an island resort, with great food, top-notch medical care, and a view of the ocean.

These arguments are distractions from the real issue, which is the needless way that the administration's unilateralism in its decisions about Guantanamo have compromised American principles and ideals and weakened our moral leadership in the world. If the administration has improved conditions at the prison, I am glad to

know it. We may now run the most humane prison in the most scenic location in the world. But it is still a prison. Many prisoners have been kept in cells for more than 3 years without being charged and without a meaningful process to evaluate or challenge their detention. Regardless of how well the detainees are treated, it is not the American way to detain them indefinitely without an adequate hearing. These policies are not only beneath us, but they have radicalized an untold number of Muslims around the world. Even Secretary Rumsfeld had to admit last year that he did not know whether we were ''capturing, killing or dissuading more terrorists every day than the madrassas and radical clerics are recruiting, training and deploying against us.''

This is important because it is the ideals of the American people and of our great and good country, and our longstanding commitment to the rule of law, that are being compromised. These are not the policies of a great nation like ours, and this is not the American system of justice that has been a beacon to the entire world. We need not trade away our values and the principles that have guided us in order to feel safer or to be safer. And if we do that, we give those who would harm us a victory they could not win on any battlefield, and we cede leverage to them that they will never deserve.

Everyone in Congress agrees that we must capture and detain terrorist suspects, but it can and should be done in accordance with the laws of war and in a manner that upholds our commitment to the rule of law. In our recent hearing on detainees, Senator GRAHAM, a former Air Force lawyer who still serves in the Reserves, said that once enemy combatant status has been conferred upon someone, ''it is almost impossible not to envision that some form of prosecution would follow.'' He continued, ''We can do this and be a rule of law nation. We can prove to the world that even among the worst people in the world, the rule of law is not an inconsistent concept.''

We know that some of the detainees have been wrongly detained. And many suspect there are others who have not yet been released, against whom the evidence is weak at best. In a January 8, 2005, New York Times article, a senior American official claimed ''that the vast majority of the 550 prisoners now held at the American detention center at Guantanamo no longer had any intelligence value and were no longer being regularly interrogated.'' The article also quotes a veteran interrogator at Guantanamo who told the New York Times that it ''became clear over time that most of the detainees had little useful to say and that they were just swept up during the Afghanistan war with little evidence they played any significant role.''

The administration says these detainees are the ''worst of the worst'' and pose a continuing threat to the safety of Americans. If that is true, there must be at least basic evidence to support it. No one advocates releasing terrorists. But it is the American way to provide a fair process to ensure that the detainees at Guantanamo really are a threat to our Nation. In a break with military tradition and regulations, the administration denied detainees even the limited process contemplated by Article 5 of the Third Geneva Convention, and established the Combatant Status Review Tribunal, CSRT, only after being rebuked by the Supreme Court in Rasul v. Bush. The CSRT affirmed the ''enemy combatant'' status of the Guantanamo detainees based on secret evidence to which the detainees were denied access, raising serious questions about the fairness of the process.

It is time for Congress to focus on the real issue, which is defending American ideals and our commitment to the rule of law. The chicken at Guantanamo may be wonderful, but this matters little to America's core values if we are imprisoning some people who may have been wrongly accused of supporting terrorism and who have no way to challenge their detention.

The administration is trumpeting the humane treatment of detainees at Guantanamo as a diversion. Guantanamo is a symbol of the needless problems created by the unilateral ways this administration has chosen to proceed since 9/11. It is being used to deflect attention from this administration's deliberate rejection of the rule of law.

ADDITIONAL STATEMENTS

CBR YOUTH CONNECT

• Mr. ALLARD. Mr. President, I rise to make a few remarks concerning CBR Youth Connect.

''Youth are our focus and our future, connecting is our job.'' This statement represents the newly expanded vision of Colorado Boys Ranch, CBR, Youth Connect, a foundation with a 45-year history of helping troubled young men become productive citizens in their communities and throughout the world. CBR Youth Connect offers more than 200 applied learning opportunities and nontraditional programs and therapies, each one designed to help youth enhance their skills, attitudes, and relations with others. Programs and services range from animal-assisted programs to family therapy to an accredited school system. Each program and service offered by CBRYC is designed to contribute to a boy's overall treatment plan, helping him learn, grow, and develop as an individual.

The roots for CBR Youth Connect were planted in 1958 when county judges, from various districts in the State of Colorado, envisioned a rural orphanage that would be an ideal setting for dependant and neglected boys. They found their setting in the agrarian community of La Junta, located in Colorado's southeast corner. And with the admittance of the first boys in 1961, the Colorado Boys Ranch was born.

From the moment of conception, the mission of the Colorado Boys Ranch has been to do whatever is necessary to help each troubled boy. Over the last 45 years, CBR has developed from a Colorado orphanage into a highly accredited national mental health treatment and education organization serving youth with severe mental health needs. Due to the hard work and dedication of their highly experienced staff, CBR has garnered various accomplishments, including a customer satisfaction rating of 96 percent from parents, youth, and referral services. CBR Youth Connect has recently been rated as ''one of the best in the nation'' by the rigorous Joint Commission on Accreditation of Health Care, and it features one of the largest, most comprehensive data bases in the Nation for analysis and research of adolescent mental health.

In 2003, with a decrease in public funding, the Colorado Boys Ranch Board felt confident that the ranch could evolve into a new organizational structure. Recognizing the commitment of their dedicated staff and CBR's extraordinary success rate, the board believed that they could transform into an organization that would reach many more youth, families, and advocates. Their new vision statement was based on the notion that: ''Youth are our focus and our future, connecting is our job.'' Their goal is to connect youth and their families with knowledge, relationships, and resources; and out of this fresh outlook came with it a new name: CBR Youth Connect.

Currently more than 120 youth, ages 10–21, from all ethnic, cultural, geographic, and socioeconomic backgrounds are admitted to CBR Youth Connect each year. With the advent of their new organizational structure and expanded vision, CBR Youth Connect hopes to expand their reach to troubled youth around the world with the hopes of becoming recognized as the foremost leader in psychiatric residential treatment and education. To accomplish this goal, staff members are traveling to countries around the world, providing the latest in research, treatment, and education to help troubled youth and their families.

I salute CBR Youth Connect.•

HONORING THE CAREER OF CHARLES W. PHILLIPS

• Mr. BAYH. Mr. President, I rise today to recognize the great achievements of Charles W. Phillips, director of the Indiana Department of Financial Institutions. After 16 years serving the citizens of our State, Charlie Phillips is entering into a well-deserved retirement. Over the years, he has contributed to the safety and soundness of Indiana's banking industry, and I am honored to have the opportunity to

thank him for his leadership and commitment to the people of Indiana.

Charlie Phillips began his distinguished career in 1950 as an examiner with the Federal Deposit Insurance Corporation, FDIC, where he dedicated himself to banking and bank supervision. In 1958, Charlie Phillips moved to New Albany to work as president of Floyd County Bank. As a leader in his community for more than 25 years, he helped acquire land to establish the Indiana University Southeast campus in New Albany. For this achievement, Charlie Phillips was recognized with the Chancellor's Medallion for Distinguished Service.

In 1989, after a brief retirement, Charlie agreed to become the director of the Department of Financial Institution for Indiana. I am proud to have been able to appoint him to that post. During his tenure as director, he served three other Governors besides myself.

As director, Charlie Phillips was responsible for promoting the modernization of the Indiana Financial Institutions Act, which addressed corporate governance, interstate branching, and payday lending reform. His commitment to encouraging employees to pursue continued professional development is among one of his greatest accomplishments. As a result, one of his legacies will be a well-trained staff, important to the health of Indiana's banking system and economy.

The people of Indiana have benefited from Charlie's hard work and dedication. I am proud to have appointed him to a position that made use of his many talents and to be able to honor him today. I wish him all the best in his retirement.●

TRIBUTE TO ALBUQUERQUE VOCATIONAL TECHNICAL INSTITUTE

● Mr. BINGAMAN. Mr. President, I stand before you today to recognize Albuquerque Vocational Technical Institute (TVI), a community college in New Mexico that is celebrating its 40th year of service to the community.

Since TVI's humble beginnings in an old vacated school building serving only 150 students, the school has made a difference in the lives of hundreds of thousands of students and has grown to serve about 27,000 students each year across four campuses. Considering the enriching education and workforce opportunities TVI provides it is no surprise that TVI is a ''crown jewel'' of the city of Albuquerque.

In a community noted for cultural diversity, TVI is a model technical education institution which provides high quality instruction and training in a variety of technical careers, trades, and professions. TVI delivers innovative, customized training and skill development to develop a highly skilled workforce for business, professional organizations, and government agencies. TVI wisely collaborates with business and industry to ensure that their students, as future workers, meet the demands of the high-tech 21 century workforce. TVI graduates provide needed technical assistance and services to a variety of industries including our National Labs. TVI's dedication to their students' professional growth has positively impacted the economic development of the community and of the State.

For its leadership in educational advancement and for its invaluable contributions, I commend the students, the teachers, and the administration of the Albuquerque Technical Vocational Institute for 40 years of exceptional service to the community and to the State of New Mexico.●

HONORING THE CITIZENS OF DEXTER, NEW MEXICO

● Mr. BINGAMAN. Mr. President, I rise today to congratulate the citizens of Dexter in the Pecos Valley of southeastern New Mexico, who will soon be celebrating the centennial of their community.

In its early years, the settlement that would become Dexter was located near the large body of water known as Lake Van in Chaves County. With the rise of the railroad and the construction of an irrigation canal a few miles away, a new town was necessary. Three men selected the townsite, and the only married man of the bunch, Albert Macey, was given the privilege of choosing the name of the town. He chose the name Dexter in honor of his hometown of Dexter, IA.

Dexter served an important role as a railroad depot in its early years. The depot contributed greatly to the economic and social life of the town. Dexter also became part of the historic Ozark Trails highway system and still has remnants of this fabled roadway, now known as State Highway Two. Agriculture, with cotton and alfalfa being the chief crops, has been and continues to be important for Dexter and the Pecos Valley.

These days, Dexter is also known for its fish hatchery, where advanced biological research takes place and endangered species are protected and propagated. The Dexter National Fish Hatchery is currently working with 17 species of fish native to New Mexico and neighboring States. If something should happen to devastate an original fish species in the wild, the hatchery could use the fish it holds in refuge to help replace the damaged population.

Given the long history of settlement in New Mexico, turning 100 barely qualifies a town as middle aged. But Dexter and its 1,200 residents have done a great deal in that short amount of time. I congratulate the town of Dexter on its centennial and offer my best wishes for the next 100 years.●

IN MEMORIAM TO ASSEMBLYMAN MIKE GORDON

● Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of a most dedicated public servant, California Assemblyman Mike Gordon. Assemblyman Gordon passed away on June 25, 2005. He was 47 years old.

Assemblyman Gordon began his political career at the young age of 18 as a voter registration coordinator for Assembly Speaker Leo McCarthy and later joined the staff of Assemblyman Bruce Young (D-Downey). In 1982, Gordon began his 3-year tenure as executive director of the California Democratic Party and in 1995 co-founded Gordon and Schwenkmeyer, Inc., a successful polling and fundraising firm that is still operating today.

Mike Gordon was elected to the El Segundo City Council in 1996 and as the city's mayor in 1998, 2000, and 2002. During this time, he focused on revitalizing El Segundo's downtown and helped increase funding for police, fire and recreation. As cofounder of the Los Angeles Air Force Base Alliance, he fought against the closure of the base and focused his attention on finding a solution for regional air and road traffic. Of all his great work as councilman and mayor, Mike's focus on education and funding for the El Segundo Unified School District made him a hero in the community.

In 2004, Mike Gordon ran successfully for the 53rd California Assembly seat in the South Bay of Los Angeles County. Assemblyman Gordon introduced 22 bills during his first 2 months in the assembly and was appointed chair of the Assembly Committee on Veterans Affairs and as the body's representative to California's Milton Marks Little Hoover Commission. His strong leadership skills and passion for public service were instrumental in his early success in the assembly.

Assemblyman Mike Gordon knew firsthand the concerns and needs of his community and dedicated his life to serving the citizens of Southern California. He grew up in La Mirada, CA where he attended Neff High School and in 1979 graduated from California State University, Fullerton with a bachelor's degree in political science. Whether as mayor or assemblyman, he used his knowledge, influence, and skills to better the lives of his constituents.

Assemblyman Gordon is survived by his wife Denise and children, Ryan, Erika, Amanda, and Gordy. He was a deeply loved member of both the California State Legislature and the South Bay community for his willingness to champion the causes of those he represented. He will be missed by all who knew him.●

CONGRATULATING MISS KENNEDY WOMACK

● Mr. BUNNING. Mr. President, today I rise to congratulate Miss Kennedy Womack, a 10-year-old student of Russell-McDowell Intermediate School in Flatwoods, KY.

The Kentucky Association for Gifted Education in cooperation with the National Association for Gifted Children

awarded Miss Womack the Nicholas Green Distinguished Student Award during the KAGE 25th Annual Conference on February 8, 2005. The award is designed to recognize excellence in young children and is given to one student per State each school year. Award recipients are between ages 8 and 12 and have achieved excellence in one of the following areas of endeavor—leadership, visual/performing arts, and academic achievement. The student selected is one who makes a contribution to the community at a level beyond what is expected of the student's age group.

While spending time with her grandfather who is the jailer for the Greenup County Detention Center, Miss Womack became aware of the needs of the inmates, as well as the children who come to visit them. She observed inmates who needed to read or write to their families, but for some reason they were not able to do so. Kennedy tried to find a way to help. Through various means, Kennedy has also tried to help the young children who come to visit their relatives. She hopes her efforts will help the children make wise choices and not follow a path of crime. Chief Tomas E. Kelly, Ashland Chief of Police, says of Miss Womack, ''Kennedy has a keen interest in bettering her community, stopping the chain of crime and being a young advocate for victims of crime, and clearly demonstrates her leadership traits and initiative while doing so.''

National recognition by this organization is truly an honor to Greenup County and the Commonwealth of Kentucky. I congratulate Miss Womack for her hard work and achievement. I encourage her to keep up the hard work and commitment to improving her community.●

TRIBUTE TO JADA TRABUE, ASHLYN WILSON AND CHARLES CLARK

● Mr. BUNNING. Mr. President, I wish to pay tribute to Jada Trabue, Ashlyn Wilson, and Charles Clark as three truly outstanding students from the Commonwealth of Kentucky.

In the fall of 2005, Reading is Fundamental, Inc. held a national poster contest in which more than 25,000 children created artwork reflecting the 2005 theme, ''Celebrate the Joy of Reading.'' Out of 365 posters submitted to the national competition, a panel of judges selected Jada Trabue of Louisville, KY, as the National Winner. Ashlyn Wilson of Louisville, KY, and Charles Clark of Hopkinsville, KY, were selected as Honorable Mention winners.

Being recognized by this organization is truly an honor. I congratulate these three students for their hard work and their achievement.●

CONGRATULATING MR. BRANDON HARVEY AND MR. CRAIG PEDEN

● Mr. BUNNING. Mr. President, I congratulate and honor two young Kentucky students who have achieved national recognition for exemplary volunteer service in their communities. Brandon Harvey of Breeding and Craig Peden of Henderson have just been named the top two honorees in Kentucky by the 2005 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia and Puerto Rico.

Mr. Harvey, a senior at Adair County High School, is being recognized for raising nearly $1,000 to purchase smoke detectors for the families of all 175 students at a local elementary school. Mr. Harvey organized a special Fire Prevention Day at the school, during which he taught the students fire prevention and safety techniques and issued every child a smoke detector.

Mr. Peden, an eighth grader at Henderson County North Middle School, is being recognized for leading an effort by his school's Junior Optimist Club to raise money to help support the operating budget of Riverview School, a preschool for special needs students. With Mr. Peden's help, Riverview School was able to pay off its mortgage, and now Craig hopes to expand his efforts to directly benefit the handicapped children at Riverview.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution these young citizens have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Harvey and Mr. Peden are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—the Prudential Spirit of Community Awards—was created in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued. Since its inception, the program has become the Nation's largest youth recognition effort based solely on community service, with more than 170,000 youngsters participating.

Mr. Harvey and Mr. Peden should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Harvey and Mr. Peden for their initiative in seeking to make their communities a better place to live, and for the positive impact they have had on the lives of others. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.●

IN RECOGNITION OF THE KENTUCKY COMMANDERY

● Mr. BUNNING. Mr. President, today I rise to congratulate the hard work of fellow Kentuckians to establish the Kentucky Commandery of the Military Order of the Loyal Legion of the United States.

The Military Order of the Loyal Legions of the United States was established by a group of Federal officers formed to act as an honor guard for the remains of President Abraham Lincoln. These officers later met to form a society to commemorate the events and principles of the War of the Rebellion. MOLLUS became the first military society based upon the War of Rebellion to be formed.

Over 125 officers of Kentucky regiments, as well as over a dozen general officers and admirals of Kentucky birth, were original companions of MOLLUS. At the MOLLUS National Congress in October of 2004, the dedicated efforts of the Kentucky members paid off, as the Commonwealth of Kentucky was granted full Commandery status.

I extend my heartfelt congratulations to the members of the Kentucky Commandery for their hard work and dedication to their principles.●

CONGRATULATING MR. JOHN W. HINKLE AND MISS COURTNEY E. OTTO

●Mr. BUNNING. Mr. President, today I rise to congratulate two young Kentucky students who have achieved national recognition for their academic excellence, artistic accomplishments, and civic contributions. Mr. John W. Hinkle of Shelbyville and Miss Courtney E. Otto of Louisville have been named to the 41st Class of Presidential Scholars.

Each year the Presidential Scholars program invites more than 2,700 students to apply for recognition based on outstanding scores on the College Board SAT or ACT assessments. A 28-member Commission on Presidential Scholars, appointed by President Bush, made the final selection from a pool of over 500 semifinalists. The 141 winners include one young man and one young woman from each State, the District of Columbia, and Puerto Rico, and from U.S. families living abroad, as well as 15 chosen at large and 20 Presidential Scholars in the Arts.

Mr. Hinkle and Miss Otto should be extremely proud to have been singled out from such a large group of dedicated students. National recognition from this program is truly an honor to the Commonwealth of Kentucky. I heartily applaud their hard work and achievements.●

CONGRATULATING OFFICER DUANE HARPER

• Mr. BUNNING. Mr. President, today I rise to congratulate Officer Duane Harper of Owensboro, KY. Officer Harper was recently awarded the Owensboro Police Department's citation for officer of the year.

Officer Harper, a vehicle crash reconstructionist, is a 14-year veteran with an eye for detail and a steady, meticulous investigative technique. As a reconstructionist, Harper is called on to conduct investigations not only for his department, but others as well. Chief John Kazlauskas describes Harper as committed to conducting his investigations thoroughly and professionally.

The officer of the year award is given annually to an officer selected solely by the Chief of Police based on performance and merit. Officer Harper was also the recipient of the Chief's Award, the department's second highest honor.

It is very important to have members of our law enforcement dedicated to the safety and well being of our communities. I am very proud to have Officer Harper as a member of local law enforcement in Kentucky. I heartily applaud his hard work and commitment to serving his community.

I hope that you will join me today in both recognizing and congratulating Officer Harper in his achievement. He serves as an example to the rest of the Commonwealth of Kentucky. I wish him continued success in the future.•

100TH ANNIVERSARY OF MERCER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1–3, the residents of Mercer, ND, will celebrate their community's founding and history.

Mercer is a small town of 86 citizens in west-central North Dakota, encircled by rolling prairie and enchanting lakes. Despite its small size, Mercer holds an important place in North Dakota's history, one that long predates the establishment of the town. The community was at the crossroads of major events that shaped the early Dakota experience. The cultures of three Native American tribes converged here at Prophet's Mountain, and their relics still dot the prairies. Early fur traders traipsed the Coteau du Missouri, skirting Medicine Hill while on expeditions between Canada and the Missouri River. Major wagon trains, seeking an overland route to Montana gold fields, rutted its terrain. Trails traversed the community, some reaching as far north as Canada. At the close of the nineteenth century, lush rangeland at the foot of Prophet's Mountain beckoned pioneer ranchers along the Missouri River bottomland. Among them was William Henry Harrison Mercer, who drove his cattle herds to this area. The largest influx of new citizens the community would ever witness—the homesteaders—then followed.

At the behest of the Northern Pacific Railway Company, the town of Mercer was platted July 24, 1905. The first rail traffic arrived on November 7, and construction of a depot followed in 1907. Mercer Township was organized in 1908, and three supervisors, a clerk, treasurer, assessor, two justices, two constables, a road overseer and a commission of conciliation were all elected.

Like many other plains country towns, Mercer has witnessed and withstood major upheavals in its struggle to survive. Other than its fine citizens, Mercer's proudest asset has been Brush Lake. As early as 1926, community leaders with vision established the Mercer-Brush Lake Community Association, an organization dedicated to the protection and preservation of a serene, natural recreational resource for the public good. That association was reorganized in 1958 as the Brush Lake Community Association, with a membership spanning the entire region.

I ask the Senate to join me in congratulating Mercer, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Mercer and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Mercer that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Mercer has a proud past and a bright future.•

100TH ANNIVERSARY OF ROLETTE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1–3, the residents of Rolette, ND, will gather to celebrate the community's centennial.

Rolette is located in the northern part of North Dakota with a population of 538. Although its population is small, Rolette holds an important place in North Dakota's history. A post office named after the nearby Willow Creek, along with a junction on the Great Northern Railroad, fueled the city's growth, which peaked in 1970 with 704 people. Rolette was named after the fur trader, Joseph Rolette, who lived from 1820 to 1871.

Located in the scenic Turtle Mountains, Rolette boasts exceptional outdoor activities. A healthy number of lakes sprinkle the region, which provide for fishing opportunities and an abundance of waterfowl for hunters and birdwatchers in the fall. Many community members enjoy the nearby golf course or the International Peace Gardens in the warmer months. Today, Rolette is home to two cafes, a clinic, a bank, and much more.

In recognition of the community's centennial, eight murals were painted by local artisans on the exterior of the Rolette Mall. Five additional murals recognizing the community's dedication to volunteerism were recently completed. Rolette's lively centennial celebration will include an all school reunion, a civic parade, dances, and an air and car show.

I ask the Senate to join me in congratulating Rolette, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Rolette and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. Places such as Rolette shaped this country into what it is today, which is why this fine community deserves our recognition.

Rolette has a proud past and a bright future.•

100TH ANNIVERSARY OF ANTLER, NORTH DAKOTA

• Mr. CONRAD. Mr President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 8 and 9, the residents of Antler, ND, will gather to celebrate their community's history and founding.

Antler is a small town in the northern part of North Dakota, with a population of approximately 40. Despite its small size, Antler holds an important place in North Dakota's history. It began around 1889 when settlers Mr. and Mrs. Jack Schell; Jack, Mike, and Dan Manning; and Robert Wright first populated this region. By 1898, Duncan McLean had established a post office, and in 1905, Antler was incorporated as a city.

Antler was named after Antler Creek, one of two tributaries, which resemble a deer's horns, branching from the Mouse River. Today, Mayor Tom Arneson leads this enthusiastic community. Currently, Antler is known around the State for its unique Town Square and its close proximity to the Canadian border. Residents of this peaceful town enjoy spending time outdoors, hunting, and fishing.

I ask the Senate to join me in congratulating Antler, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Antler and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Antler that have helped to shape this country into what it is today, which is why Antler is deserving of our recognition.

Antler has a proud past and a bright future.•

100TH ANNIVERSARY OF ROCKLAKE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 8–10, the residents of Rocklake, ND, will celebrate their community's history and founding.

Rocklake is a small town in the north central part of North Dakota with a population of 178. Despite its small size, Rocklake holds an important place in North Dakota's history. The building of the railroad from the community of Starkweather to the northwest led to the founding of Rocklake in 1905. At that time, Joseph Kelly purchased 80 acres of land from E.E. Brooks for the town site. The village was founded on the narrow freshwater shores of the Rock Lake, for which the town was named. Rocklake was incorporated as a village on April 18, 1906.

Over the last 100 years, Rocklake has remained a strong agricultural community with many second or third generation farmers. The citizens of Rocklake are very proud of their town and continue to support the local school, elevator, cafe, and churches, along with the many other businesses.

I ask the Senate to join me in congratulating Rocklake, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Rocklake and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Rocklake that have helped to shape this country into what it is today, which is why it is deserving of our recognition.

Rocklake has a proud past and a bright future.●

100TH ANNIVERSARY OF WOLFORD, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 9, the residents of Wolford, ND, will gather to celebrate the community's centennial.

Wolford is a small town in the northern part of North Dakota with a population of 50. Although its population is small, Wolford holds an important place in North Dakota's history. It originated as a village named Orkney, honoring local homesteaders hailing from the Orkney Islands in Canada. The post office was established in June 1895. Then, in June 1905, the town site was plotted and renamed Wolford by a Great Northern railroad agent. The precise origin of the name still remains unclear.

The people of Wolford take their education seriously. The kindergarten through twelfth grade public school was recently honored as a Blue Ribbon School for the students' academic achievements. Wolford also has a dedicated volunteer fire department, and the current mayor, Jim Wolf, recently helped organize a first response team. Every summer the Dale and Martha Hawk Museum, located northeast of Wolford, hosts an antique farm show. This year's show featured a 1912 Hackney plow, the only operational plow of its type still in existence today. The Prairie Arts Center, which is located on the museum's grounds, provides an opportunity for students to practice Raku, a Japanese pottery technique. Wolford's centennial celebration will include a parade, picnic lunch, an evening dance, a children's petting zoo, and a historical display.

I ask the Senate to join me in congratulating Wolford, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Wolford and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. It is places such as Wolford that shaped this country into what it is today, which is why this fine community deserves our recognition.

Wolford has a proud past and a bright future.●

125TH ANNIVERSARY OF GRAND RAPIDS, NORTH DAKOTA

● Mr. CONRAD. Mr President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. On July 8–10, the residents of Grand Rapids, ND will celebrate their community's history and founding. Coinciding with the weekend activities, the Zion Lutheran Church will celebrate its centennial.

Grand Rapids is a small town in the southeast part of North Dakota. Despite its small size, Grand Rapids holds an important place in North Dakota's history. It began in 1880 when the North Pacific Railroad was built in LaMoure County. It was platted in June of that year by Edward P. Wells and Homer T. Elliot, the latter of whom became the post master when the post office was established on June 17, 1880. The city was named for the cataracts of the James River at this site, sometimes called the Stepping Stones. Grand Rapids was the county seat between 1881 and 1886. The first Grand Rapids school was established in 1910. After the school districts were reorganized in 1963, Grand Rapids was incorporated into LaMoure. Since that time, Grand Rapids has developed into the pleasant community it is today.

Grand Rapids has a variety of recreation and activities, including a scenic nine-hole golf course and beautiful camp ground that welcomes visitors each year. The citizens also host a Summer Musical Theatre every year, and they enjoy the company of several youth each summer during the Farmer's Union Camp. Grand Rapids has an exciting weekend planned to celebrate their 125th anniversary, including a parade, picnic, historical reenactment play, as well as a craft and flea market and the centennial celebration for Zion Lutheran Church.

I ask the Senate to join me in congratulating Grand Rapids, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Grand Rapids and all the other historic small towns of North Dakota, we keep the pioneering tradition spirit alive for future generations. It is places such as Grand Rapids that have helped to shape this country into what it is today, which is why Grand Rapids is deserving of our recognition.

Grand Rapids has a proud past and a bright future.●

HONORING WILLIAM ALLEN

● Mr. DODD. Mr. President, I wish to honor a constituent of mine, William Allen, who was recently named the 2005 Citizen of the Year by the town of Montville, CT.

Mr. Allen is a lifelong resident of Montville, a town of about 18,000 people located along the Thames River, between Norwich and New London in Southeastern Connecticut. He served his country in the U.S. Marines from 1961 to 1963 before receiving an honorable discharge. After he returned home, he worked in construction for 6 years before starting his own business, W.R. Allen and Co. Contracting, in 1969.

Today, in addition to the contracting firm, William Allen owns Allen Carpets, Hawthorne Woodworking Co., and Plumfire Mechanical and Bathliners, all based in Montville.

As a good businessman, Mr. Allen could have gone anywhere and been a success. But he chose to stay in the town where he was raised and make it a better place for all of its citizens.

William Allen's impact on Montville is not limited to his businesses. He has been an active participant in numerous community organizations, including the Montville Youth Center, the Senior Citizen's Center, the Montville Little League, the Boy Scouts, and Montville's police and fire departments.

There are many committed citizens such as William Allen across our Nation—people who work hard each and every day and then give of themselves to their communities to improve the lives of others. I believe we would do well to recognize their achievements more often, and I applaud the Town of Montville for bestowing this well-deserved honor on Mr. Allen.

Once again, I congratulate William Allen on this wonderful award, and I wish him, his wife Rosalyn, their children, and their grandchildren all the best.●

IN MEMORY OF FRANK MANCUSO

● Mr. DODD. Mr. President, I wish to speak in memory of a distinguished public servant and a dear friend, Frank Mancuso, who passed away on June 19 at the age of 82.

Frank was born in Italy, but he grew up and lived in and around Hartford and Enfield, CT. Although he worked as a union leader and served as a decorated member of the Army Air Corps in the campaign in the Pacific during World War II, he was most well known to the citizens of Connecticut for his dedicated work in public office and the

humanity with which he fulfilled his duties.

In 1963, with no prior political experience, Frank was elected as the first mayor of Enfield. Four years later, he rebounded from a short political setback to lead the reform ''Eight Slate.'' They campaigned on the promise to build the schools and city infrastructure that Enfield needed not only to keep pace with its recent population explosion, but also to ensure its continued growth in the future. Frank held true to his campaign promises and served as mayor until he was selected in 1975 by Gov. Ella Grasso to be the State director of civil preparedness. The self-styled ''master of disaster'' worked under the subsequent administrations of William O'Neill and Lowell Weicker, Jr.

Frank loved politics, but he was a pragmatic public servant who went out of his way to build a consensus when it was best for the community. He was an upbeat and straight-shooting leader with a disarming sense of humor. In the eyes of his colleagues, it was Frank's guidance that led Enfield to be named as one of the country's best small cities.

Frank, who was born in Italy in 1922, attributed his love of democracy to dark memories of Mussolini's fascist dictatorship. But it is clear that his service was equally motivated by a commitment to his community. When Frank retired from statewide politics in 1992, he remained connected through activities such as chairing building committees at local schools in Enfield. A recent editorial in the Hartford Courant rightly called him ''Enfield's Ambassador'' and the town's ''chief cheerleader.''

The residents of Enfield honored Frank by naming a park after him, but he has already left his mark throughout the town, which grew up under his tireless leadership, and on his friends and colleagues, whom he touched with his selflessness.

I offer my deepest condolences to Frank's children Donna, Douglas, and Francis, to the entire Mancuso family, to the people of Enfield, and to the countless others whose lives were enriched by Frank Mancuso.●

TO COMMEMORATE ARTESIA NEW MEXICO'S CENTENNIAL

● Mr. DOMENICI. Mr. President, I would like to recognize a unique community in my home State of New Mexico and some of its many proud accomplishments. 2005 marks a special year for the city of Artesia as it celebrates its centennial.

After two names ''Miller'' and ''Stegman,'' the citizens finally decided on ''Artesia'' in 1903 after the discovery of several flourishing Artesian wells in the area, and in January of 1905 the community of Artesia became an incorporated municipality. At the time, roughly 1,000 residents called Artesia home and these folks undertook a daunting task to make it a growing, prosperous community. Over the 100 years since its conception, Artesia and its citizens have seen many changes. Artesia, once a sleepy farming and ranching town, now finds itself at the hub of southeast New Mexico's oil and gas industry.

Very few cities in my home State have replicated Artesia's drive for excellence. The efficient use of the Pecos River Valley, and turning it into one of the most admirable and profitable agricultural regions in the State, is commendable. They have utilized the fertile Pecos soil to produce some of the state's best alfalfa and corn, which in turn has allowed them to raise livestock that are the envy of many New Mexican producers.

Artesia, in accord with its ambitious nature, has surpassed even its well-deserved legacy as an oil, gas and agricultural force. When attempting to find a use in the late 1980s for a shuttered college campus, the city leaders checked with me and our collaboration resulted in the city offering the space to the Federal Government. That offer brought the establishment of the Federal Law Enforcement Training Center that is today the Nation's training focal point for Federal security personnel who protect our borders and Federal facilities. It has been beneficial not only for the Federal Government and the American people, but also Artesia's economic diversity.

Artesia's standard for excellence is also reflected in their extraordinarily successful school program. Students retain a sense of pride, while teachers act as models for the rest of the State to follow. No where else has a football team won twenty-four State titles, yet still preserve the highest regard for education. The quality of Bulldog character is known, not only in the southeastern part of the State, but throughout the Land of Enchantment.

As I review the past 100 years, one thing becomes clear. Artesians are achievers. When problems or opportunities arise, Artesians roll up their sleeves and go to work to complete the task at hand. This is why oil and gas was initially discovered and still flourishes in the Pecos Valley. All the while, farming and ranching has persevered, and more recently dairies and other additions to the economy have pushed it into a constant position of expansion. Dedication to purpose and enthusiastic pursuit of success are ingrained in its citizens, young and old. It is no wonder Artesia has become known as ''The City of Champions.''

I consider myself fortunate to be the Senator from a State where hard work and dedication still prevails, perfection is pursued, and its citizens are not afraid to get their hands dirty. During this centennial year, I am absolutely amazed at the large number of citizens that are busy planning activities, contributing ideas and historical facts, raising funds, and volunteering time and effort to conduct a full year of activities with the expressed purpose of making 2005 a truly memorable year for all of its citizens. As their United States Senator, I want to commend Artesia and its citizens for a job well done in making Artesia, New Mexico such a wonderful place to live and work over the past 100 years.●

100TH ANNIVERSARY OF PRATT, WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, today I wish to recognize a community in West Virginia that will be celebrating its 100th anniversary. On July 12, the residents of Pratt will celebrate their community's history and founding 100 years ago.

Pratt is a small town in southern West Virginia on a soft bend in the Kanawha River, with a population of 551. Pratt has some of the qualities of a typical West Virginia coal camp—it is a small community with hard-working people and a solid value base. But what separates Pratt from most small coal towns is that it has been around longer and has played an integral role in the labor movement.

Despite its small size, Pratt holds an important place in West Virginia's history. Originally named Clifton, then Dego, the town adopted the last name of Charles K. Pratt at the dawning of the twentieth century. Pratt's New York company owned timber and mineral rights in the area. The town was incorporated on June 4, 1905.

Stately old homes are spread throughout the town, each adding to Pratt's rich history. The town's lone church, Old Kanawha Baptist, is recognized as the oldest functioning church in the Kanawha Valley. It celebrated its 200th anniversary in 1993. In the local cemetery, gravestones date back as far as 1835. Many of Pratt's residents can trace their ancestry to the town's pre-Civil War settlers.

In 1984 the town's cemetery and residential neighborhood overlooking the Kanawha River were designated a historic district and placed on the National Register of Historic Places. The Mother Jones prison site received historic designation in 1992.

The town of Pratt rose to national prominence during Wet Virginia's mine wars of 1912–1913. In 1912, United Mine Workers of America, UMWA, miners in nearby Paint Creek demanded wages equal to those of other area miners. They also insisted on the right to organize and an end to the practice of using mine guards. When operators rejected the wage increase, miners walked off the job, beginning one of the most violent strikes in the Nation's history.

After the strike began, operators brought in mine guards to evict miners and their families from company houses. As the mine guards continued to intimidate workers, national labor leaders, including Mary Harris ''Mother'' Jones, arrived on the scene. A leader of the UMWA's efforts to organize the State, Jones was known for her

blistering verbal attacks on coal operators and politician. She criticized the poor working conditions, meager safety provisions, and long hours of the mines and called for change.

In 1913, Jones was placed under house arrest in Pratt for inciting a riot and was held there for 85 days. When news of her imprisonment spread across the country, Congress was forced to investigate the matter.

Although the settlement of the strike failed to answer the miners' main grievances, the Paint Creek strike produced a number of labor leaders who would play prominent roles in the years to come. Following the strike, the coalfields were relatively peaceful for 6 years.

I ask the Senate to join me in congratulating Pratt, WV, and its residents on their first 100 years and in extending our best wishes for their next 100 years and beyond. We recognize Pratt's important contributions to the labor movement. Through its challenges and triumphs, Pratt has helped to move our Nation forward in labor relations, which is one of the many reasons this fine community deserves our recognition.

Pratt has a rich past and a promising future.●

CELEBRATING THE 30TH ANNIVERSARY OF THE LINCOLN PRIMARY CARE CENTER

● Mr. ROCKEFELLER. Mr. President, I rise today to recognize the Lincoln Primary Care Center, which has served the people of Lincoln County, WV, since 1975.

That year, the residents of Lincoln County opened a small, nonprofit health clinic in the storefront of a local grocery store. In 1977, the Lincoln County Primary Care Center became the Nation's first federally designated Rural Health Care Clinic and, by May of 1991, had been given the National Rural Healthcare Association Outstanding Rural Practice Award.

Today, the Lincoln Primary Care Center serves nearly 22,000 area residents and reaches out, not only to the people of Lincoln County but also to those in parts of Cabell and Wayne Counties. The center is now housed within a 17,500 square-foot building that features 33 treatment rooms and offers a wide variety of medical services. This includes initiatives within the Wellness Center, opened in 2004 to provide members of the community with valuable information regarding the prevention of chronic disease. This also includes healthy living programs that benefit residents of all ages, the Senior Nutrition Program, which serves free lunches to anyone over the age of 55, and the exercise facility, which is used by at least 50 people each day.

As I have said before, West Virginia is a rural State and, in many areas, access to quality health care is problematic. This is especially true in the case of our seniors, who comprise nearly 15 percent of our population and have significant health care needs. That is why it is good to know that the Lincoln Primary Care Center offers them high-quality, accessible care that addresses all aspects of wellness.

Indeed, it is clear that the Lincoln Primary Care Center plays an important role in the community it serves, and a number of West Virginians who visit the center have conveyed to me their appreciation for it. Ms. Brenda Terry notes the great pleasure she receives from the use of the center's exercise facility, and how glad she is to see so many friends there. Also, Ms. Mary Richmond tells me that she is thankful for the paved walking track, and Ms. Donna Rush describes the pleasant atmosphere enjoyed by those who live alone. Finally, Mr. John Rush expresses his fondness for the new friendships that he has forged during his time there.

With this praise in mind, I would like to commend the Lincoln Primary Care Center as it celebrates its 30th Anniversary and I would like to recognize the dedicated service it provides to its community—service that can serve as a model for rural health care delivery, now and in the future.●

TRIBUTE IN HONOR OF RADM EDWARD ''ANDY'' WILKINSON, RET.

● Mr. SHELBY. Mr. President, today I pay tribute to a great patriot, RADM Andy Wilkinson, on the occasion of his retirement. Andy has led a life of great purpose, from his childhood days in Alabama to a dedicated military career and his time in the private sector in Huntsville, AL. A native of Selma, Andy is of the generation of military leaders in this Nation whose sacrifice and commitment preserved and protected our freedom from Vietnam on into the long decades of confrontation with the former Soviet Union, and beyond.

He began his distinguished 34-year military career in 1955 when he was commissioned as an ensign upon his graduation from the U.S. Naval Academy. He also graduated from the Armed Forces Staff College, the National War College, and he holds a Master's Degree in Engineering from the George Washington University. During his Naval career as a pilot, he held six commands, four of which were in operational aviation units, including command of Patrol Wings, U.S. Atlantic Fleet. Andy also served on the staff of the Deputy Chief of Naval Operations for Air and as Manager of the Anti-Submarine Warfare Systems Project Office in the Naval Material Command, supervising a budget of over $1 billion per year.

With an expertise in aviation, anti-submarine warfare, and mapping, charting, and geodesy, MC&G, Andy served as the Director of the Defense Mapping Agency, DMA. In this role, he was responsible to the Secretary of Defense for all service MC&G matters and managed the multi-billion-dollar DMA all digital modernization program. Andy has been awarded the Defense Distinguished Service Medal, the Defense Superior Service Medal, and two Legions of Merit Medals during his distinguished military career.

In 1985, Andy joined the Intergraph Corporation as a senior representative to the U.S. Government on relations with Congress and the executive department. After being promoted to vice president in 1987 and to executive vice president in 1994, Andy then served as Director of U.S. Federal Sales and Marketing until 1999. He currently provides leadership and expertise by overseeing all Government relations and Federal solutions business planning.

During his career, Andy has shown continuous dedication and played a major role in several large contracts and programs that have helped to improve government and the efficiency and effectiveness of a vast array of military programs. Andy was instrumental in the management and development of CAD–2 programs for the Naval Sea Systems Command, Naval Air Systems Command, and Naval Facilities Engineering Command, which provide information technology support and integration in the Navy and Federal government. Also, Andy served a vital role in developing the Depot Maintenance Accounting and Production System for the Air Force Material Command, AFMC. By facilitating data exchange between legacy systems, this program greatly enhanced AFMC's decisionmaking process and increased responsiveness to the warfighter and other support personnel.

Finally, I should also say that Andy distinguished himself in yet another way. He is one of those rare individuals whose word is his bond, and whose actions, both personal and professional, are based on a bedrock of integrity. He has earned the confidence and respect of countless Members of Congress, Senators, and his colleagues.

I ask my colleagues to join me in paying special tribute to Mr. Andy Wilkinson. I thank him for his service, and I wish Andy and his wife Sondra and their family the very best as they begin a new chapter in their lives.●

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

ENROLLED BILLS SIGNED

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Sergeant First Class John Marshall Post Office Building''.

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''.

H.R. 627. An act to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''.

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''.

H.R. 1082. An act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''.

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''.

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Studenhofer Post Office Building''.

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''.

H.R. 1542. An act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the ''Honorable Judge George N. Leighton Post Office Building''.

S. 1282. An act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 7:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3104. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

At 7:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the ''Dalip Singh Saund Post Office Building''.

H.R. 324. An act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the ''Arthur Stacey Mastrapa Post Office Building''.

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the ''Sergeant Byron W. Norwood Post Office Building''.

H.R. 2326. An act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the ''Floyd Lupton Post Office''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILL SIGNED

The President pro tempore (Mr. STEVENS) announced that today, June 30, 2005, he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

S.714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At 11:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3130. An act making supplemental appropriations for fiscal year 2005 for veterans medical services.

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. 198. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3021. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

H.R. 3104. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 2005, she had presented to the President of the United States the following enrolled bills:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, 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–2832. 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 manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of $68,000,000 to Australia; to the Committee on Armed Services.

EC–2833. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the closure of the Defense commissary stores at Aschaffenburg and Rhein-Main Air Base, Germany effective August 31, 2005; to the Committee on Armed Services.

EC–2834. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to five countries not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, Libya, North Korea, and Syria; to the Committee on Armed Services.

EC–2835. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the Department's STARBASE Program 2004 Annual Report; to the Committee on Armed Services.

EC–2836. A communication from the Special Assistant to the Secretary of the Navy for Base Realignment and Closure, transmitting, a report of the Secretary of the Navy's statement and the Department of the Navy's process brief relative to the Base Realignment and Closure (BRAC) Commission testimony; to the Committee on Armed Services.

EC–2837. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled ''Military Postal System Actions To Support the Morale of Members of the Armed Forces and Their Ability To Vote by Absentee Ballot''; to the Committee on Armed Services.

EC–2838. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with ''BRAC Impact on GSA Leased Space'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2839. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with ''Strategy for Homeland Defense and Civil Support dated September 13, 2004'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2840. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with ''Close Pope AFB COBRA'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2841. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with ''Tech Joint Cross Service Group Questions for the Record'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2842. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (7 subjects on 1 disc beginning with ''Issues, Questions, and Concerns on Fort Knox, KY'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2843. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with ''DoN Scenario COBRA Files—Inactive'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2844. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 6 discs beginning with ''COBRA Files Closing Grand Forks AFB, ND'') relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2845. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–119, ''Anacostia Waterfront Corporation Board Expansion Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2846. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–102, ''Board of Real Property Assessments and Appeals Reform Temporary Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2847. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–101, ''Adams Morgan Business Improvement District Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–103, ''Closing of Public Alleys in Squares 5579, S.O. 04–10134, Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2849. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of proposed legislation entitled ''Legislative Provision Establishing Equitable Annual Pay Adjustments for Senior Federal Government Officials'' received on June 22, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2850. A communication from the Administrator, General Services Agency, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Administrator's Semiannual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–2851. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semi-annual report of the Peace Corps Inspector General for the period from October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2852. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Changes in Pay Administration Rules for General Schedule Employees'' (RIN 3206–AK88) received on June 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCONNELL, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3057. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–96).

By Mr. SPECTER, from the Committee on the Judiciary:

Report to accompany S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes (Rept. No. 109–97).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Daniel R. Stanley, of Kansas, to be an Assistant Secretary of Defense.

*James A. Rispoli, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

Air Force nomination of Gen. Teed M. Moseley to be General.

Air Force nomination of Col. William N. McCasland to be Brigadier General.

Army nominations beginning with Brig. Gen. Robert J. Kasulke and ending with Col. Stanley L. K. Flemming, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Army nomination of Col. Larry J. Studer to be Brigadier General.

Army nomination of Col. Patrick Finnegan to be Brigadier General.

Navy nomination of Rear Adm. (lh) Mark A. Hugel to be Rear 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 Ronald H. Alfors and ending with David R. Zartman, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with Gregory H. Blake and ending with Paul E. Turnquist, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nomination of Gary D. Davis to be Colonel.

Air Force nominations beginning with John A. Caver and ending with Thomas B. Dunham, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with Gretchen S. Dunkelberger and ending with Janet I. Sessums, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with William F. Evans and ending with Leslie R. Hyder, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with Wilbert W. Edgerton and ending with Suzanne Peters, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Army nominations beginning with Humberto Buitrago and ending with Phyllis Y. Spivey, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nominations beginning with Ira I. Kronenberg and ending with Gary P. Mauck, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nomination of Eric M. Radford to be Colonel.

Army nomination of Paul F. Russell to be Colonel.

Army nominations beginning with Mark W. Bruns and ending with Donald O. Lagace, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nomination of Kenneth D. Ortega to be Colonel.

Army nomination of Charles H. Edwards to be Colonel.

Army nomination of Slobodan Jazarevic to be Colonel.

Army nomination of David M. Bartoszek to be Colonel.

Marine Corps nomination of Robert D. Dunston to be Major.

Navy nomination of Jeffrey D. Weitz to be Lieutenant Commander.

Navy nomination of Ronald D. Tomlin to be Lieutenant Commander.

Navy nominations beginning with Ronnie E. Argillander and ending with William J. Wilburn, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2005.

By Mr. SPECTER for the Committee on the Judiciary.

James B. Letten, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

Rod J. Rosenstein, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further

consideration of the following nominations:

Marie L. Yovanovitch, of Connecticut, to be Ambassador to the Kyrgyz Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marie L. Yovanovitch.

Post: Ambassador to Kyrgyzstan.

Contributions, Amount, Date, and Donee:

1. Self, $50, 4/7/02, Cole for Congress; $50, 4/7/02, Herseth for Congress; $50, 4/7/02, Carnahan for Congress; $100, 3/3/01, Watson for Congress; $100, 11/11/00, Clinton for Senate; $100, 11/11/00, Coyne-McCoy for Congress; $100, 5/7/00, Gore for President; $100, 8/26/00, Gore-Lieberman Campaign.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Michel and Nadia Yovanovitch, (my father is deceased), $35, 3/11/04, Democratic Senatorial Campaign Committee; $35, 3/11/04, John Kerry for President; $25, 3/11/04, A Lot of People Supporting Tom Daschle; $25, 11/25/03, Jeffords for Vermont; $25, 11/12/03, Democratic Senatorial Campaign Committee; $25, 9/6/03, Senator Tom Daschle; $25, 9/6/02, Democratic Senatorial Campaign Committee; $25, 7/1/02, Senator Jim Jeffords; $10, 5/4/01, N.C. Dollars for Democrats; $25, 3/19/99, Gephardt in Congress Committee.

5. Grandparents: N/A.

6. Brothers and Spouses: Andre, None.

7. Sisters and Spouses: N/A.

John Ross Beyrle, of Michigan, to be Ambassador to the Republic of Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Beyrle.

Post: US Ambassador, Bulgaria.

Contributions, Amount, Date and Donee:

1. Self: 0.

2. Spouse: Jocelyn Greene, 0.

3. Children: Alison Beyrle (17), 0; Caroline Beyrle (12), 0.

4. Parents: JoAnne Beyrle, 0; Joseph Beyrle I (deceased) $750, 2001, R.N.C.

5. Grandparents: All Deceased before 1993.

6. Brothers and Spouses: Joseph Beyrle II, 0; Kathy Alward, 0.

7. Sisters and Spouses: Julie Schugars, 0; Jack Schugars, 0.

Ronald Spogli, of California, to be Ambassador to the Italian Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald P. Spogli.

Post: Ambassador, Italy.

Contributions, Date, Donee, and Amount.

1. Self: Ronald P. Spogli.

7/29/04, 2004 Joint Candidate Committee, 24,500.

7/29/04, 2004 Joint State Victory Committee, 7,500.

6/30/04, Pete Coors for U.S. Senate-Primary, 2,000.

6/30/04, Pete Coors for U.S. Senate-General, 2,000.

3/26/04, John Thune for U.S. Senate-Primary, 2,000.

2/24/04, Republican National Committee, 25,000.

9/11/03, Republican National Committee, 25,000.

6/20/03, Bush-Cheney '04 Inc., 2,000.

2/5/03, Kit Bond for U.S. Senate-Primary, 1,000.

7/11/02, John Cornyn for U.S. Senate, 1,000.

6/24/02, Florida Republican Party, 5,000.

4/18/02, James Talent for U.S. Senate-Primary, 1,000.

4/18/02, James Talent for U.S. Senate-General, 1,000.

4/18/02, Norm Coleman for U.S. Senate-Primary, 1,000.

4/18/02, Norm Coleman for U.S. Senate-General, 1,000.

4/18/02, John Thune for U.S. Senate-Primary, 1,000.

4/18/02, John Thune for U.S. Senate-General, 1,000.

4/15/02, McConnell U.S. Senate Committee-General, 1,000.

11/12/01, National Republican Senatorial Committee, 10,000.

5/8/01, Republican National Committee, 20,000.

4/16/01, McConnell U.S. Senate Committee-Primary, 1,000.

2. Spouse: Georgia B. Spogli, see attached.

8/2/04, 2004 Joint State Victory Committee, 7,500.

8/2/04, 2004 Joint Candidate Committee, 30,500.

2/25/04, Republican National Committee, 25,000.

9/12/03, Republican National Committee, 25,000.

6/20/03, Bush-Cheney '04, 2,000.

2/5/03, Kit Bond for U.S. Senate-Primary, 1,000.

4/18/02, James Talent for U.S. Senate-Primary, 1,000.

4/18/02, James Talent for U.S. Senate-General, 1,000.

4/18/02, Norm Coleman for U.S. Senate-Primary, 1,000.

4/18/02, Norm Coleman U.S. Senate-General, 1,000.

4/18/02, John Thune for U.S. Senate-Primary, 1,000.

4/18/02, John Thune U.S. Senate-General, 1,000.

4/30/01, Republican National Committee, 20,000.

3. Children and Spouses: Caroline Hunter Spogli (daughter), none; William Alexander Ridley Considine, none (stepson).

4. Parents: Helen Spogli, deceased; Valerio Spogli, none.

5. Grandparents: Gesue Spogli, deceased; Marsilia Bartecchi Spogli Sacco, deceased; Salvatore Boccadori, deceased; Amelia Boccadori, deceased.

6. Brothers and Spouses: Robert Spogli, see attached; Jannetta Anna Beth Myers Spogli, none.

3/4/04, Bush-Cheney, 100.

8/20/04, Republican National Committee, 100.

7. Sisters and Spouses: none.

Robert H. Tuttle, of California, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Robert Holmes Tuttle.

Post: The United Kingdom of Great Britain and Northern Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, Robert Holmes Tuttle, $500.00, 4/3/01, Americans for Free International Trade PAC; $20,000.00, 5/15/01, 2001 RNC Presidential Gala (non-federal).

(Tuttle-Click, Inc.), $5,000.00, 5/16/01, 2001 RNC Presidential Gala (non-federal); $1,000.00, 6/13/01, California Republican Party; ($1,000.00), 3/23/05, California Republican Party refund; $1,000.00, 1/4/02, Beth Rogers for Congress; $10,000.00, 2/7/02, National Republican Senatorial Committee; $1,000.00, 4/19/02, Herb Meyer for Congress; $1,000.00, 4/19/02, Herb Meyer for Congress; ($1,000.00), 11/21/02, Herb Meyer for Congress refund; $1,000.00, 5/7/02, Beth Rogers for Congress; $5,000.00, 8/5/02, Road to 51; $2,000.00, 9/18/02, Renzi for Congress;* ($1,000.00), 10/13/02, Road to 51 refund; $1,000.00, 12/3/02, Terrell for Senate; $1,000.00, 2/6/03, Citizens for Arlen Specter; $1,000.00, 2/6/03, Kit Bond for U.S. Senate; $2,000.00, 6/6/03, Bush/Cheney '04, Inc.; $10,000.00, 6/24/03, Pima County (AZ) Republican Party; $1,000.00, 8/27/03, Automotive Free International Trade PAC; $25,000.00, 9/23/03, Republican National Committee; $25,000.00, 3/8/04, Republican National Committee; $1,000.00, 3/8/04, Dreier for Congress; $2,000.00, 4/27/04, Bill Jones for U.S. Senate; $2,000.00, 7/13/04, Pete Coors for U.S. Senate; ($3,500.00), 9/1/04, Republican National Committee refund; $28,500.00, 9/20/04, 2004 Joint Candidate Committee II; $25,000.00, 12/21/04, 55th Presidential Inaugural Committee.

*Although the Leadership Committee, a joint fundraising account, reports a receipt of a $10,000 9/18/02 contribution from Mr. Tuttle, the Arizona Republican Party, one of the joint fundraising participants, has assured Mr. Tuttle by letter that $8,000 of this amount was transferred to the non-federal account of the Arizona Republican Party, and $2,000 was deposited into the Renzi for Congress federal account.

2. Spouse: Maria D. Hummer $500.00, 6/28/01, Friends of Jane Harman; $500.00, 9/7/01, Golden State Political Action Committee; $1,000.00, 1/10/02, Beth Rogers for Congress; $1,000.00, 6/7/02, PAC to the Future; $1,000.00, 7/8/02, Beth Rogers for Congress; $1,000.00, 9/30/02, Friends of Jane Harman; $2,000.00, 6/6/03; Bush/Cheney '04, Inc.; $25,000.00, 12/12/03, Republican National Committee; $25,000.00, 3/16/04, Republican National Committee; $32,500.00, 9/29/04, 2004 Joint Candidate Committee II; $7,500.00, 9/29/04, 2004 Joint State Victory Committee.

3. Children and Spouses: Tiffany N. Tuttle, none.

Alexandra C. Tuttle, Alexandra believes that on two occasions in 2004 she made $100 contributions to the Kerry-for-President Campaign. She cannot locate the exact dates.

4. Parents: Holmes P. Tuttle—deceased; Virginia H. Tuttle—deceased.

5. Grandparents: James Harley Tuttle—deceased; Carrie Tuttle—deceased; Joseph Harris—deceased; Lulu Harris—deceased.

6. Brothers and Spouses: (no brothers).

7. Sisters and Spouses: Sally T. Mogan, $1,000.00, 10/29/02, John Thune for South Dakota; $2,000.00, 6/25/03, Bush/Cheney '04 (Primary), Inc.

Sister's Spouse: Richard F. Mogan, $500.00, 8/24/01, Wyoming Republican Party, Inc.; $500.00, 7/15/02, Cubin for Congress, Inc.; $100.00, 10/26/02, Republican National Committee; $1,000.00, 10/29/02, John Thune for South Dakota; $300.00, 11/8/02, Wyoming Republican Party, Inc.; $2,000.00, 6/16/03, Bush/Cheney '04, Inc.; $1,000.00, 6/10/04, Wyoming Republican Party, Inc.; $1,000.00, 7/12/04, Cubin for Congress, Inc.; $100.00, 8/2/04, Republican National Committee; $1,000.00, 8/16/04, Republican National Committee; $1,000.00, 8/17/04, Santorum 2006; $500.00, 8/20/04, John Thune for U.S. Senate.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged trom further consideration of the following nominations:

Reuben Jeffery III, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2007.

Reuben Jeffery III, of the District of Columbia, to be Chairman of the Commodity Futures Trading Commission.

Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2010.

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. INHOFE (for himself, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1339. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself and Mr. JEFFORDS):

S. 1340. A bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 1341. A bill to amend title 10, United States Code, to improve transitional assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

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

S. 1342. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU:

S. 1343. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. DURBIN):

S. 1344. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Mr. DEWINE):

S. 1345. A bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1346. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 1347. A bill to authorize demonstration project grants to entities to provide low-cost, small loans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL:

S. 1348. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. ROCKEFELLER):

S. 1349. A bill to promote deployment of competitive video services, eliminate redundant and unnecessary regulation, and further the development of next generation broadband networks; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mrs. BOXER):

S. 1350. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 1351. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1352. A bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. WARNER, Ms. MURKOWSKI, Mr. COCHRAN, Mr. CORZINE, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, and Mr. VITTER):

S. 1353. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, Mr. CORZINE, and Mr. WYDEN):

S. 1354. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GRASSLEY, Mr. BAUCUS, Mr. DODD, Mr. ALEXANDER, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. HATCH, Mrs. MURRAY, Mr. REED, Mr. ALLEN, Mr. BURNS, Mr. CRAPO, Mr. DEMINT, Mr. SANTORUM, Mr. THOMAS, and Ms. CANTWELL):

S. 1355. A bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ENZI, and Mr. KENNEDY):

S. 1356. A bill to amend title XVIII of the Social Security Act to provide incentives for the provision of high quality care under the medicare program; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Mr. FEINGOLD, Mrs. CLINTON, and Mr. SCHUMER):

S. 1357. A bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 1358. A bill to protect scientific integrity in Federal research and policymaking; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. CONRAD):

S. 1359. A bill to amend the Internal Revenue Code of 1986 to increase retirement savings and security, to facilitate the provision of guaranteed retirement income for life, and to make the retirement plan rules simpler and more equitable, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. SCHUMER, Mr. JEFFORDS, and Mr. WYDEN):

S. 1360. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1361. A bill to amend the Controlled Substances Act to treat drug offenses involving crystal meth similarly to drug offenses involving crack cocaine; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. CRAIG, Mr. INHOFE, and Mr. ISAKSON):

S. 1362. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, and Mr. KERRY):

S. 1363. A bill to amend the Internal Revenue Code of 1986 to prevent dividends received from corporations in tax havens from receiving a reduced tax rate; to the Committee on Finance.

By Mr. REED:

S. 1364. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1365. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, and Mr. SCHUMER):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. REID, Mr. DEWINE, and Mrs. CLINTON):

S. 1367. A bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. NELSON of Florida):

S. Res. 185. A resolution expressing the sense of the Senate regarding reform of the United Nations; to the Committee on Foreign Relations.

By Mr. BOND:

S. Con. Res. 43. A concurrent resolution welcoming the Prime Minister of Singapore

on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. ENZI, Mr. KENNEDY, and Ms. SNOWE):

S. Con. Res. 44. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 68

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 68, a bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system.

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

At the request of Mr. TALENT, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 103, supra.

S. 175

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 175, a bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 484

At the request of Mr. WARNER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors 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. 492

At the request of Mr. FRIST, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 627

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 654

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 863

At the request of Mr. CONRAD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Rhode Island (Mr. REED) 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. 875

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 895

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents.

S. 935

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of 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.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1052

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 1081

At the request of Mr. KYL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1088

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1129

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1223

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1223, a bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes.

S. 1262

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Missouri (Mr. BOND), the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1262, a bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nation-wide interoperable health information technology system, and for other purposes.

S. 1308

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1308, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1320

At the request of Mr. DEWINE, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1332

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1332, a bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 171

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 171, a resolution expressing the sense of the Senate that the President should submit to Congress a report on the time frame for the withdrawal of United States troops from Iraq.

S. RES. 173

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 173, a resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

S. RES. 177

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 177, a resolution encouraging the protection of the rights of refugees.

AMENDMENT NO. 1075

At the request of Mr. VOINOVICH, the names of the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. BURNS), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1075 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1341. A bill to amend title 10, United States Code, to improve transitional assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will enhance and strengthen transition services that are provided to our military personnel.

As the Senate conducts its business today, thousands of our brave men and women in uniform are in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that

tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

The bill that I am introducing today, the Veterans Enhanced Transition Services Act (VETS Act), will help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and members of military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

I introduced similar legislation during the 108th Congress, and I am pleased that a provision that I authored which was based on that bill was enacted as part of the fiscal year 2005 defense authorization bill.

In response to concerns I have heard from a number of my constituents, my amendment, in part, directed the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with government and private sector training and certification standards for corresponding civilian occupations. Such coordination could help military personnel who wish to pursue civilian employment related to their military specialties to make the transition from the military to comparable civilian jobs. I look forward to reviewing this report.

In addition, this amendment required the Government Accountability Office (GAO) to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor and to make recommendations to Congress on how these programs can be improved. My amendment required GAO to focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and pre-discharge health assessments as part of the larger transition program. GAO released its study ''Military and Veterans' Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard'' in May 2005, and it plans to release its study on health assessments in the near future.

Just yesterday, GAO provided testimony on its transition services report to the House Committee on Veterans Affairs Subcommittee on Economic Opportunity. That hearing could not have been more timely. We owe it to our men and women in uniform to improve transition programs now as we continue to welcome home thousands of military personnel who are serving our country in Iraq, Afghanistan, and elsewhere. We should not miss an opportunity to help the men and women who are currently serving our country.

My bill, which is consistent with GAO's recommendations on transition assistance, will help to ensure that all military personnel receive the same services by making a number of improvements to the existing Transition Assistance Program/Disabled Transition Assistance Program (TAP/DTAP), by improving the process by which military personnel who are being demobilized or discharged receive medical examinations and mental health assessments, and by ensuring that military and veterans service organizations and state departments of veterans affairs are able to play an active role in assisting military personnel with the difficult decisions that are often involved in the process of discharging or demobilizing.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs (VA) and Labor, provide pre-separation counseling for military personnel who are preparing to leave the Armed Forces. This counseling provides servicemembers with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My bill would ensure that National Guard and Reserve personnel who are on active duty are able to participate in this important counseling prior to being demobilized. In addition, my bill would require state-based follow-up within 180 days of demobilization to give newly demobilized personnel the opportunity to follow up on any questions or concerns that they may have during a regular unit training period. Currently, most of the responsibility for getting information about benefits and programs falls on the military personnel. The Department of Defense should make every effort to ensure that all members participate in this important program, and that is what my bill would do.

In its recent report on transition services, GAO found that ''[d]uring their rapid demobilization, the Reserve and National Guard members may not receive all the information on possible benefits to which they are entitled. Notably, certain education benefits and medical coverage require servicemembers to apply while they are still on active duty. However, even after being briefed, some Reserve and National Guard members were not aware of the time frames within which they needed to act to secure certain benefits before returning home. In addition, most members of the Reserves and National Guard did not have the opportunity to attend an employment workshop during demobilization.''

In response to these findings, GAO recommended that ''DoD, in conjunction with DoL and the VA, determine what demobilizing Reserve and National Guard members need to make a smooth transition and explore options to enhance their participation in TAP.'' GAO also recommended that ''VA take steps to determine the level of participation in DTAP to ensure those who may have especially complex needs are being served.''

In addition to ensuring that all discharging and demobilizing military personnel are able to participate in TAP/DTAP, my bill would help to improve the uniformity of services provided to personnel by directing the Secretary of Defense to ensure that consistent transition briefings occur across the services and at all demobilization/discharge locations. In its report, GAO noted that ''[t]he delivery of TAP may vary in terms of the amount of personal attention participants receive, the length of the components, and the instructional methods used.'' We should make every effort to ensure that those who have put themselves in harm's way on our behalf have access to the same transition services no matter their discharge/demobilization location or the branch of the Armed Forces in which they serve.

My bill would also ensure, consistent with GAO's recommendation, that there are programs that are directed to the specific needs of active duty and National Guard and Reserve personnel. And my bill includes a provision to ensure that personnel who are on the temporary disability retired list and

who are being retired or discharged from alternate locations will have access to transition services at a location that is reasonably convenient to them.

In addition, my bill would enhance the information that is presented to members by requiring that pre-separation counseling include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts, information concerning veterans small business ownership and entrepreneurship programs offered by the Federal Government, information concerning employment and reemployment rights and veterans preference in Federal employment and Federal procurement opportunities, information concerning homelessness and housing counseling assistance, and a description of the health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs including a referral (to be provided with the assistance of the Secretary of Veterans Affairs) for a VA medical and pension examination, as appropriate.

Participation in pre-separation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. My bill is in no way intended to lengthen the time that military personnel spend away from their families or to provide them with information that is not relevant to their civilian lives or that they otherwise do not need. In order to ensure that this information remains a valuable tool and does not become a burden to demobilizing members of the National Guard and Reserve who experience multiple deployments for active duty assignments, my bill clarifies that participation in the Department of Labor's transitional services employment program will not be required if a member has previously participated in the program or if a member will be returning to school or to a position of employment.

My bill would also require the Secretaries of Defense and Veterans Affairs to submit a plan to Congress for increasing access to the joint DoD–VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military. This very successful program has helped to cut the red tape and to speed the processing time for many veterans who are entitled to VA disability benefits.

In addition to the uneven provision of transition services, I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our nation.

Since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf War. More than ten years after the end of the Gulf War, we still don't know why so many veterans of that conflict are experiencing medical problems that have become known as Gulf War Syndrome. Military personnel who are currently deployed to the Persian Gulf region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of Gulf War Syndrome.

Part of the process of protecting the health of our men and women in uniform is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced, or could experience, any health effects as a result of their service.

In light of concerns raised by many that each service and each installation uses a different process for demobilization physicals, my bill would require the Secretary of Defense to set minimum standards for these important medical examinations and to ensure that these standards are applied uniformly at all installations and by all branches of the Armed Forces. In addition, to ensure that all personnel receive these important exams, my bill stipulates that the exam may not be waived by the Department or by individual personnel.

My bill also would strengthen current law by ensuring that these medical examinations also include a mental health assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. I have heard concerns that these brave men and women, many of whom are just out of high school or college when they sign up, may suffer long-term physical and mental fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

My bill would improve mental health services for demobilizing military personnel by requiring that the content and standards for the mental health screening and assessment that are developed by the Secretary include content and standards for screening acute and delayed onset post-traumatic stress disorder (PTSD), and, specifically, questions to identify stressors experienced by military personnel that have the potential to lead to PTSD. These efforts should build on—not replace—the mental health questions that the Pentagon is already using as part of its post-deployment health screening process.

Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, through DoD, the VA, or a private sector health care provider. To that end, my bill would require that the health care professionals who are assessing demobilizing military personnel provide all personnel who may need follow-up care for a physical or psychological condition with information on appropriate resources through DoD or the VA and in the private sector that these personnel may use to access additional follow-up care if they so choose.

I commend the Assistant Secretary of Defense for Health Affairs for issuing in March 2005 a memorandum to the Assistant Secretaries for the Army, Navy, and Air Force directing them to extend the Pentagon's current post-deployment health assessment process to include a reassessment of ''global health with a specific emphasis on mental health'' to occur three to six months post-deployment. At a hearing of the Senate Armed Services Committee's Personnel Subcommittee earlier

this year, the Assistant Secretary stated that the services were in the process of implementing a program that would include a ''screening procedure with a questionnaire and a face-to-face interaction at about three months'' post-deployment. He also noted that the idea for this program came from ''front line people'' and that he ''asked them. . . 'do you think we should make it mandatory?' and the answer was: yes.'' This sentiment makes it even more important that the initial post-deployment mental health assessment be strengthened and that it be mandatory as well so that health care professionals have a benchmark against which to measure the results of the follow-up screening process.

In order to gain a better understanding of existing programs, my bill requires the Secretaries of Defense and Veterans Affairs to report to Congress on the services provided to current and former members of the Armed Forces who experience PTSD and related conditions. This report will include an analysis of the number of persons treated, the types of interventions, and the programs that are in place for each branch of the Armed Forces to identify and treat cases of PTSD and related conditions.

In addition, in order to ensure that all military personnel who are eligible for medical benefits from the VA learn about and receive these benefits, my bill would require that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

My bill would also make improvements to the DoD demobilization and discharge processes by ensuring that members of military and veterans service organizations (MSOs and VSOs) are able to counsel personnel on options for benefits and other important questions. The demobilization and discharge process presents our servicemembers with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. My bill would authorize a ''veteran to veteran'' counseling program that will give military personnel the opportunity to speak with fellow veterans who have been through this process and who have been accredited to represent veterans in VA proceeding by the VA. These veterans can offer important advice about benefits and other choices that military personnel have to make as they are being discharged or demobilized.

Under current law, the Secretary of Defense may make use of the services provided by MSOs and VSOs as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. In order to help facilitate the new veteran-to-veteran program, my legislation would require the Secretary to ensure that representatives of MSOs, VSOs, and state departments of veterans affairs, are invited to participate in all transition and Benefits Delivery at Discharge programs. In addition, my legislation requires that these dedicated veterans, who give so much of their time and of themselves to serving their fellow veterans and their families, are able to gain access to military installations, military hospitals, and VA hospitals in order to provide this important service. By and large, these groups are able to speak with our military personnel at hospitals and other facilities. But I am disturbed by reports that representatives of some of these groups were having a hard time gaining access to these facilities in order to visit with our troops. For that reason, I have included this access requirement in my bill.

I want to stress that my bill in no way requires military personnel to speak with members of MSOs or VSOs if they do not wish to do so. It merely ensures that our men and women in uniform have this option.

I am pleased that this legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion; the Enlisted Association of the National Guard of the United States; the National Coalition for Homeless Veterans; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs; the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I urge my colleagues to support the bill and 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. 1341

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 ''Veterans' Enhanced Transition Services Act of 2005''.

SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''provide for individual preseparation counseling'' and inserting ''shall provide individual preseparation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

''(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.

''(16) Contact information for housing counseling assistance.

''(17) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.

''(18) If a member is eligible, based on a preseparation physical examination, for compensation benefits under the laws administered by the Secretary of Veterans Affairs, a referral for a medical examination by the Secretary of Veterans Affairs (commonly known as a 'compensation and pension examination').'';

(3) by adding at the end the following:

''(d) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

''(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

''(ii) members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) each military installation under the jurisdiction of the Secretary;

''(ii) each armory and military family support center of the National Guard;

''(iii) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(iv) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member;

''(C) the scope and content of the material presented in preseparation counseling at

each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(e) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard, who are separated from long-term duty to which ordered under section 502(f) of title 32, shall be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

''(3) The Secretary of Defense shall prescribe, by regulation, the standards for determining long-term duty under paragraph (1).''; and

(4) by amending the heading to read as follows:

''§1A1142. Members separating from active duty: preseparation counseling''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)'';

(2) by amending subsection (c) to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.

''(3) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''; and

(3) by adding at the end the following:

''(e) UPDATED MATERIALS.—The Secretary concerned shall, on a continuing basis, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 3. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.

(a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to benefits delivery at discharge programs for members of the Armed Forces.

(2) CONTENTS.—The plan submitted under paragraph (1) shall include a description of efforts to ensure that services under programs described in paragraph (1) are provided, to the maximum extent practicable—

(A) at each military installation under the jurisdiction of the Secretary;

(B) at each armory and military family support center of the National Guard;

(C) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under such programs are discharged from the armed forces; and

(D) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) DEFINITION.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for such members may be eligible.

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

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

(3) by inserting after subsection (b) the following:

''(c) PHYSICAL MEDICAL EXAMINATIONS.—(1) The Secretary shall—

''(A) prescribe the minimum content and standards that apply for the physical medical examinations required under this section; and

''(B) ensure that the content and standards prescribed under subparagraph (A) are uniformly applied at all installations and medical facilities of the armed forces where physical medical examinations required under this section are performed for members of the armed forces returning from a deployment described in subsection (a).

''(2) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements under this section for—

''(A) a physical medical examination; or

''(B) an assessment.

''(3) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include—

''(A) content and standards for screening mental health disorders; and

''(B) in the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, specific questions to identify stressors experienced by members that have the potential to lead to post-traumatic stress disorder, which questions may be taken from or modeled after the post-deployment assessment questionnaire used in June 2005.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOW UP SERVICES.—(1) The Secretary, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a post-deployment medical examination carried out under the system established under this section, receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

''(2) Assistance required to be provided to a member under paragraph (1) includes—

''(A) information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

''(i) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

''(ii) any other care, treatment, and services;

''(B) information on the private sector sources of treatment that are available to the member in the member's community; and

''(C) assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided to members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report submitted under paragraph (1) shall include—

(A) the number of persons treated;

(B) the types of interventions; and

(C) the programs that are in place for each of the Armed Forces to identify and treat cases of post-traumatic stress disorder and related conditions.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

''§1A1154. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each armory and military family support center of the National Guard;

''(3) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

''(e) DEFINITIONS.—In this section:

''(1) The term 'benefits delivery at discharge program' means a program administered jointly by the Secretary and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which such members may be eligible.

''(2) The term 'representative', with respect to a veterans' service organization, means a representative of an organization who is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by adding at the end the following:

''1154. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

''§1A1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

''(1) the care and services authorized by this chapter; and

''(2) other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

''(d) DEFINITION.—In this section, the term 'veterans' service organization' means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1708 the following:

''1709. Veteran-to-veteran counseling.''.

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

S. 342. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs.

I am please to be joined in this effort by the Senator from Arkansas, Mrs. LINCOLN.

Five years ago, the Wisconsin Department of Veterans Affairs (WDVA) launched a Statewide program called ''I Owe You,'' which encourages veterans to apply, or to re-apply, for benefits that they earned from their service to our country in the Armed Forces.

As part of this program, WDVA has sponsored 20 events around Wisconsin called ''Supermarkets of Veterans Benefits'' at which veterans can begin the process of learning whether they qualify for federal benefits from the Department of Veterans Affairs (VA). Information about additional benefits through WDVA is also provided. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin's County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible.

More than 18,650 veterans and their families have attended the supermarkets, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of Federal, State, and local agencies. I am proud to have had members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and pre-registration for internment in veterans cemeteries. According to WDVA, this program has helped Wisconsin to receive approximately $250 million in additional VA funding and benefits for our veterans each year.

The Institute for Government Innovation at Harvard University's Kennedy School of Government recognized the ''I Owe You'' program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was featured in the March/April 2003 issue of Disabled American Veterans Magazine. And in August 2003, the Midwestern Legislative Conference of the Council of State Governments named the program a finalist in its 2003 Innovations in American Government Awards Program.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are federal benefits that we owe to our veterans and it is the federal government's responsibility to make sure that they receive them. The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I am introducing today was spurred by the overwhelming response to the WDVA's ''I Owe You'' program and the supermarkets of veterans benefits. If more than 18,000 Wisconsin veterans want to make sure they know about all the benefits that are owed to them, there must be many more veterans around our country who deserve to be told about the benefits they have earned. We can and should do better for our veterans, who selflessly served our country and protected the freedoms that we all cherish. And it is important to address gaps in the VA's outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of dedicated military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA's outreach responsibilities around the country, my bill would create a statutory definition of the term ''outreach.''

My bill also would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies (the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration). Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of being forced to compete for scarce funding with other crucial VA programs.

I have long supported efforts to adequately fund VA programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with state departments of veterans affairs regarding outreach activities and would give the VA grant-making authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA's ''I Owe You Program.'' Grants that are awarded to state departments under this program could be used to enhance outreach activities and to improve activities relating to veterans claims processing, which is a key component of the VA benefits process. State departments that receive grants

under this program may choose to award portions of their grants to local governments, other public entities, or private or non-profit organizations that engage in veterans outreach activities. I want to be clear that it is not my intention that the funding for these grants be taken from existing VA programs.

I am pleased that this bill has the support of a number of national and Wisconsin organizations that are committed to improving the lives of our nation's veterans, including: Disabled American Veterans; Paralyzed Veterans of America; Vietnam Veterans of America; the National Association of County Veterans Service Officers; the National Association of State Directors of Veterans Affairs; the Wisconsin Department of Veterans Affairs; the Wisconsin Association of County Veterans Service Officers; the American Legion, Department of Wisconsin; the American Legion Auxiliary, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I hope that my colleagues will support this effort to ensure that our veterans know about the benefits for which they may be eligible as a result of their service to our country. 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. 1342

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 ''Veterans Outreach Improvement Act of 2005''.

SEC. 2. DEFINITION OF OUTREACH.

Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(34) The term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws.''.

SEC. 3. AUTHORITIES AND REQUIREMENTS FOR ENHANCEMENT OF OUTREACH OF ACTIVITIES DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—OUTREACH

''§ 561. Outreach activities: funding

''(a) SEPARATE ACCOUNT FOR OUTREACH ACTIVITIES.—The Secretary shall establish a separate account for the funding of the outreach activities of the Department, and shall establish within such account a separate subaccount for the funding of the outreach activities of each element of the Department specified in subsection (c).

''(b) BUDGET REQUIREMENTS.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested for such fiscal year for activities as follows:

''(1) For outreach activities of the Department in aggregate.

''(2) For outreach activities of each element of the Department specified in subsection (c).

''(c) COVERED ELEMENTS.—The elements of the Department specified in this subsection are as follows:

''(1) The Veterans Health Administration.

''(2) The Veterans Benefits Administration.

''(3) The National Cemetery Administration.

''§ 562. Outreach activities: coordination of activities within Department

''(a) PROCEDURES FOR EFFECTIVE COORDINATION.—The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

''(1) The Office of the Secretary.

''(2) The Office of Public Affairs.

''(3) The Veterans Health Administration.

''(4) The Veterans Benefits Administration.

''(5) The National Cemetery Administration.

''(b) REVIEW AND MODIFICATION.—The Secretary shall—

''(1) periodically review the procedures maintained under subsection (a) for the purpose of ensuring that such procedures meet the requirement in that subsection; and

''(2) make such modifications to such procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

''§ 563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach

''(a) PURPOSE.—It is the purpose of this section to assist States in carrying out programs that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive veterans' or veterans'-related benefits, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans' and veterans'-related benefits and programs (including under State veterans' programs).

''(b) LOCATION OF PROVISION OF OUTREACH.—The Secretary shall ensure that outreach and assistance is provided under programs referred to in subsection (a) in locations proximate to populations of veterans and other individuals referred to in that subsection, as determined utilizing criteria for determining the proximity of such populations to veterans health care services.

''(c) COOPERATIVE AGREEMENTS WITH STATES.—The Secretary may enter into cooperative agreements and arrangements with veterans agencies of the States in order to carry out, coordinate, improve, or otherwise enhance outreach by the Department and the States (including outreach with respect to State veterans' programs).

''(d) GRANTS.—(1) The Secretary may award grants to veterans agencies of States in order to achieve purposes as follows:

''(A) To carry out, coordinate, improve, or otherwise enhance outreach, including activities pursuant to cooperative agreements and arrangements under subsection (c).

''(B) To carry out, coordinate, improve, or otherwise enhance activities to assist in the development and submittal of claims for veterans' and veterans'-related benefits, including activities pursuant to cooperative agreements and arrangements under subsection (c).

''(2) A veterans agency of a State receiving a grant under this subsection may use the grant amount for purposes described in paragraph (1) or award all or any portion of such grant amount to local governments in such State, other public entities in such State, or private non-profit organizations in such State for such purposes.

''(e) FUNDING.—Amounts available for the Department for outreach in the account under section 561 of this title shall be available for activities under this section, including grants under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new items

''SUBCHAPTER IV—OUTREACH

''561. Outreach activities: funding

''562. Outreach activities: coordination of activities within Department

''563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach''.

By Ms. STABENOW (for herself and Mr. Levin):

S. 1346. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Energy and Natural Resources.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that will help celebrate Michigan's lighthouses and maritime heritage.

The Great Lakes are an inseparable part of Michigan's identity and cultural history. One of our symbols of that identity are the over 120 lighthouses that define our shorelines—more lighthouses than any other state in the nation.

These beautiful beacons not only serve their purpose as a navigational tool for ships, but they also draw thousands of tourists to Michigan's shores. Our lakeshore communities host visitors from across the country, who travel to view the magnificence of our coastal areas and the lighthouses that illuminate them. Our maritime museums detail the Great Lakes' rich history and unique character.

As the economy in Michigan faces numerous challenges, these small communities are more dependant than ever on tourism dollars. We must help them by ensuring that there are coordinated efforts to protect Michigan's lighthouses and promote the Great Lakes' maritime culture. If we don't, we risk losing these symbols of our history and our future for all time.

The Michigan Maritime Heritage and Lighthouse Trail Act would help develop Federal, State and local partnerships by requiring the National Park Service to work with the State of Michigan and local communities to study and make recommendations to Congress on the best ways to promote and protect Michigan's lighthouses and maritime resources. These recommendations would include specific legislative proposals for the preservation of lighthouses and maritime history. For example, they may call for

the creation of a statewide trail highlighting the historical features of our shorelines and lighthouses. The recommendations would also include the identification of funding sources for Michigan communities, which are critical to this effort.

This bill has strong bipartisan support from all of Michigan's members of Congress. I urge my colleagues to join us in expediting passage of the Michigan Maritime Heritage and Lighthouse Trail Act.

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

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

S. 1346

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 ''Michigan Lighthouse and Maritime Heritage Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) surrounded by the Great Lakes, the State of Michigan gives the Midwest region a unique maritime character;

(2) the access of the Great Lakes to the Atlantic Ocean has—

(A) given the shipping industry in the State of Michigan an international role in trade; and

(B) contributed to industrial and natural resource development in the State;

(3) the State of Michigan offers unequaled opportunities for maritime heritage preservation and interpretation, based on the fact that the State has—

(A) more deepwater shoreline than any other State in the continental United States;

(B) more lighthouses than any other State; and

(C) the only freshwater national marine sanctuary in the United States;

(4) the maritime history of the State of Michigan includes the history of—

(A) the routes and gathering places of the fur traders and missionaries who opened North America to European settlement; and

(B) the summer communities of people who mined copper, hunted and fished, and created the first agricultural settlements in the State;

(5) in the 19th century, the natural resources and maritime access of the State made the State the leading producer of iron, copper, and lumber in the United States; and

(6) the maritime heritage of Michigan is evident in—

(A) the more than 120 lighthouses in the State;

(B) the lifesaving stations, dry docks, lightships, submarine, ore docks, piers, breakwaters, sailing clubs, and communities and industries that were built on the lakes in the State;

(C) the hotels and resort communities in the State;

(D) the more than 12 maritime-related national landmarks in the State;

(E) the 2 national lakeshores in the State;

(F) the 2 units of the National Park System in the State;

(G) the various State parks and sites listed on the National Register of Historic Places in the State;

(H) the database information in the State on—

(i) 1,500 shipwrecks;

(ii) 11 underwater preserves; and

(iii) the freshwater national marine sanctuary; and

(I) the Great Lakes, which have played an important role—

(i) for Native Americans, fur traders, missionaries, settlers, and travelers;

(ii) in the distribution of wheat, iron, copper, and lumber;

(iii) providing recreational opportunities; and

(iv) stories of shipwrecks and rescues.

SEC. 3. DEFINITIONS.

In this Act:

(1) MARITIME HERITAGE RESOURCE.—The term ''maritime heritage resource'' includes lighthouses, lifesaving and coast guard stations, maritime museums, historic ships and boats, marine sanctuaries and preserves, fisheries and hatcheries, locks and ports, ore docks, piers and breakwaters, marinas, resort communities (such as Bay View and Epworth Heights), cruises, performing artists that specialize in maritime culture, interpretive and educational programs and events, museums with significant maritime collections, maritime art galleries, maritime communities, and maritime festivals.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the National Park Service Midwest Regional Office.

(3) STATE.—The term ''State'' means the State of Michigan.

(4) STUDY AREA.—The term ''study area'' means the State of Michigan.

SEC. 4. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State historic preservation officer, local historical societies, State and local economic development, tourism, and parks and recreation offices, and other appropriate agencies and organizations, shall conduct a special resource study of the study area to determine—

(1) the potential economic and tourism benefits of preserving State maritime heritage resources;

(2) suitable and feasible options for long-term protection of significant State maritime heritage resources; and

(3) the manner in which the public can best learn about and experience State maritime heritage resources.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the context, breadth, and potential for interpretation and preservation of State maritime heritage resources;

(2) examine the potential economic and tourism impacts of protecting State maritime heritage resources;

(3) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of State maritime heritage resources;

(4) address how to assist regional, State, and local partners in efforts to increase public awareness of and access to the State maritime heritage resources;

(5) identify sources of financial and technical assistance available to communities for the conservation and interpretation of State maritime heritage resources; and

(6) address ways in which to link appropriate national parks, State parks, waterways, monuments, parkways, communities, national and State historic sites, and regional or local heritage areas and sites into a Michigan Maritime Heritage Destination Network.

(c) REPORT.—Not later than 18 months after the date on which funds are made available to carry out the study under subsection (a), 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 results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $500,000.

By Mr. AKAKA:

S. 1347. A bill to authorize demonstration project grants to entities to provide low-cost, small loans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Low-Cost Alternatives to Payday Loans Act, which would authorize demonstration project grants to eligible entities to provide low-cost, short-term alternatives to expensive, predatory payday loans. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are usually in the range of $100 to $500 with payment in full due in two weeks. Finance charges on payday loans are typically in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates in the range of 390 percent to 780 percent when expressed as an annual percentage rate (APR). Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break. Currently, there is a lack of low-cost, short-term credit product alternatives available to consumers. My legislation is intended to encourage the development of products that satisfy the current demand for small loans of a short duration, but at a fair interest rate.

The payday loan business has grown rapidly in recent years, with industry revenues ballooning from $810 million in 1998 to $40 billion in 2004. A study by the investment bank, Stephens, Inc., of Little Rock, AK, estimated payday loan volume of $25 to $27 billion to 9 to 14 million U.S. households, generating between $4 and $4.3 billion in fees. According to a 2004 study conducted by the Consumer Federation of America (CFA), there were an estimated 22,000 payday lender storefronts nationally. Through these storefronts, payday lenders originated an estimated $40 billion in loans and received $6 billion in finance charges.

Payday loan providers claim that they are offering a simple financial product that addresses an emergency or temporary credit need that usually cannot be met by traditional financial institutions. An analysis of payday lending statistics by the Center for Responsible Lending indicates that the

majority of payday loan borrowers have multiple loans each year. Two of three borrowers have five or more payday loans annually, and half of these borrowers have 12 or more payday loans annually. Only 33 percent of payday borrowers use four or fewer payday loans annually. Some borrowers seek loans from two or more payday lenders, multiplying the potential for getting trapped in debt. Research by the Community Financial Services Association of America, the payday loan industry's national trade association, found that 40 percent of payday loan customers renew their payday loans five times or more. Many of these customers are lower or middle income working families who need a small amount of money for a short period of time. This becomes a financial bridge to help pay for unexpected expenses.

More and more predatory lenders locate near military installations, targeting vulnerable military servicemembers and their families. The Army has gone to the extent of offering payday lenders some competition through its Army Emergency Relief (AER) initiative. AER, a private, nonprofit organization, has been working on a national program called Commanders Referral that will debut at Fort Hood, Texas, later this year. This program will offer soldiers up to two no-interest, $500 loans a year, in an attempt to undercut the aggressive tactics of payday lenders. Testifying before the House Subcommittee on Life Issues on February 16, 2005, the Master Chief Petty Officer of the Navy testified that the payday industry ''has made it a practice to prey upon our Sailors.'' He went on to say ''it is not being dramatic to state these payday loans to our troops could be a threat to their military readiness.'' As the ranking member of the Armed Services Subcommittee on Readiness and Management Support, this is an issue of grave concern to me.

I am heartened to see that some federal credit unions have developed alternatives to payday loan products. The Pentagon Federal Credit Union Foundation, Pentagon Federal, and Langley Federal Credit Union, Langley Federal, have each introduced a payday loan alternative. Pentagon Federal offers the Asset Recovery Kit (ARK). For ARK, borrowers must agree to financial counseling, or already be receiving counseling, in order to receive a loan of up to $500. The borrower pays a $6 flat fee for the loan and no credit report is required, but financial counseling is mandatory. Langley Federal's QuickCash product features the quick turnaround of a payday loan, but at an 18 percent annual percentage rate. It does not have the financial counseling requirement of the Pentagon Federal's ARK, but is still a viable alternative to a high cost payday loan. In my home state, Windward Community Federal Credit Union, located in Kailua, Hawaii, has developed a payday loan alternative. This credit union is offering simple short-term loans, with a short approval period, at a fair interest rate. With the demonstration grants offered through my legislation, it is my hope that more credit unions, community development financial institutions and banks will develop and offer similar types of innovative credit products that can serve as alternatives to payday loans.

The payday loan industry exploits people that are in financial need. There is a demand for this type of loan, but these loans are excessively priced. My bill authorizes the Department of the Treasury to award demonstration project grants to banks, credit unions, and community development financial institutions to develop and implement a credit product subject to the APR promulgated by the National Credit Union Administration's Loan Interest Rates, which is currently capped at an APR of 18 percent. The grants would provide consumers with a lower-cost, short-term alternative to predatory payday loans. The demonstration project grants would require individuals seeking a loan through this program to pursue financial literacy and education opportunities that will help them better prepare to manage their finances.

I have a letter in support of my legislation that is signed by the Consumer Federation of America, the U.S. Public Interest Research Group and the Center for Responsible Lending. I ask unanimous consent that it be printed in the RECORD.

I encourage my colleagues to support this legislation so that affordable alternatives to payday loans can be found.

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

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

CENTER FOR RESPONSIBLE LENDING,
CONSUMER FEDERATION OF AMERICA, U.S. PUBLIC INTEREST RESEARCH GROUP,

May 3, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: Consumer Federation of America, Center for Responsible Lending and U.S. Public Interest Research Group write in support of your legislation to encourage mainstream financial institutions to meet the small loan needs of their own customers. We agree with you that banks, credit unions, and community development financial institutions can and should provide affordable small loans to depositors, along with financial literacy training and asset development to turn debtors into savers.

When consumers turn to the under-regulated small loan market, they typically pay triple-digit interest for very short term loans and risk valuable assets to coercive collection tactics. Last year consumers paid $6 billion to borrow $40 billion for check-based small loans from payday loan outlets. National Consumer Law Center and CFA recently reported that low to moderate income consumers paid almost $1.4 billion to borrow against their anticipated income tax refunds. The Center for Responsible Lending and CFA report on car title lending describes the booming business of making one-month loans secured by a title to a paid for vehicle.

We believe that the solutions to the use of fringe lenders by low to moderate income consumers include effective state and federal consumer protections, a stronger safety net of financial literacy and credit counseling, and the development of beneficial alternatives by mainstream financial institutions. Your bill seeks to expand mainstream alternatives by authorizing Treasury demonstration grants to non-profit organizations and qualifying financial institutions. It is very important that the bill limits the cost of loans made per these grants to the federal credit union cap of 18% annual interest rate and requires that borrowers also receive educational resources.

Sincerely,

JEAN ANN FOX,
Director of Consumer Protection,
Consumer Federation of America.
EDMUND MIERZWINSKI,
Consumer Program Director,
U.S. Public Interest Research Group.
MARK PEARCE,
President,
Center for Responsible Lending.

S. 1347

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

SECTION 1. GRANT PROGRAM FOR LOW-COST ALTERNATIVES TO PAYDAY LOANS.

(a) SHORT TITLE.—This section may be cited as the ''Low-Cost Alternatives to Payday Loans Act''.

(b) DEFINITIONS.—In this Act:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' means any organization that has been certified as a community development financial institution pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(2) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) PAYDAY LOAN.—The term ''payday loan'' means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

(c) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury (referred to in this Act as the ''Secretary'') is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly, predatory payday loans.

(d) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this Act if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) a community development financial institution; or

(4) a partnership comprised of 1 or more of the entities described in paragraphs (1) through (3).

(e) APPLICATION.—An eligible entity desiring a grant under this Act shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(f) TERMS AND CONDITIONS.—

(1) PERCENTAGE RATE.—For purposes of this Act, an eligible entity that is a federally insured depository institution shall be subject to the annual percentage rate promulgated by the National Credit Union Administration's Loan Interest Rates under part 701 of title 12, Code of Federal Regulations in connection with a loan provided to a consumer pursuant to this Act.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—Each eligible entity awarded a grant under this Act shall offer financial literacy and education opportunities, such as relevant counseling services or educational courses, to each consumer provided with a loan pursuant to this Act.

(g) LIMITATION ON ADMINISTRATIVE COSTS.—Each eligible entity awarded a grant under this Act may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(h) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this Act, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(i) REGULATIONS.—The Secretary is authorized to promulgate regulations to implement and administer the grant program under this Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary, for the grant program described in this Act, such sums as may be necessary, which shall remain available until expended.

By Mr. KOHL:

S. 1348. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2005, a bill to curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information from the public.

This problem has been recurring for decades, and most often arises in products liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The plaintiff has limited resources and faces a corporation that can spend an unlimited amount of money on delay tactics. Facing a formidable opponent, plaintiffs are discouraged from continuing and often seek to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

While the plaintiff gets a respectable award and the defendant is able to keep damaging information from getting out, others are forced to pay the price. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

Currently, judges have broad discretion in granting protective orders when ''good cause'' is shown. Too much discretion, however, can sometimes lead to abuse. Tobacco companies, automobile manufacturers and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American public. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. Our legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used to hide public safety information from the public to protect a company's reputation or profit margin.

The most famous case of abuse involved Bridgestone/Firestone. From 1992–2000, tread separations of various Bridgestone and Firestone tires were causing accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late; too many unnecessary injuries and deaths had already occurred.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, maybe there would be no cause for concern. But, unfortunately, the list goes on. In January 2004, Jodie Lane was walking her dog in Manhattan when she slipped and fell on a Con Edison cable cover. She was electrocuted and killed. It has since been discovered that Con Edison has settled eleven similar cases, all involving secrecy agreements.

Then there is the case of General Motors (''GM''). Although an internal memo suggests that GM was aware of the risk of fire deaths from crashes of pickup trucks with ''side saddle'' fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

There are no records kept of the number of confidentiality orders accepted by state or federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone and Con Edison, secrecy agreements had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products to remain in the market. And those are only the ones we know about.

While some States have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety. Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

By Mr. SMITH (for himself and Mr. ROCKEFELLER):

S. 1349. A bill to promote deployment of competitive video services, eliminate redundant and unnecessary regulation, and further the development of next generation broadband networks; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator ROCKEFELLER to introduce the Video Choice Act of 2005. This bill will promote competition and help bring choice to consumers in the video market. In addition, the bill will further the development of next generation broadband networks and spur economic development in rural areas of the country, like Wallowa, OR.

A recent Government Accountability Office study underscores the benefits of competition in the video market. In August 2004, GAO concluded that cable rates are on average 15 percent lower in markets with a wire-based competitor to the incumbent cable operator. My legislation promotes competition and lowers rates by eliminating redundant and unnecessary video franchises.

Specifically, my legislation permits any company that has already obtained a franchise to build and operate a network to offer video services over that

network without obtaining a second, redundant franchise. These competitive video service providers will still be subject to the important social policy obligations of cable operators, including the obligation to pay fees to local governments; to comply with the retransmission consent and must-carry provisions of the Act; to carry public, educational, governmental and noncommercial, educational channels; to protect the privacy of subscribers and to comply with all statutory consumer protections and customer service requirements.

Importantly, my legislation also preserves State and local government authority to manage the public rights-of-way and to enact or enforce any consumer protection law. In so doing, we have ensured that local communities continue to play a meaningful role in the management of these networks.

We recognize that the video franchising process imposes burdens on cable operators and welcome the opportunity to investigate and address those concerns as this debate moves forward.

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. 1349

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 ''Video Choice Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Cable rates continue to rise substantially faster than the overall rate of inflation.

(2) Wire-based competition in video services is limited to very few markets. According to the Federal Communications Commission, only 2 percent of all cable subscribers have the opportunity to choose between 2 or more wire-based video service providers.

(3) It is only through wire-based video competition that price competition exists. The Government Accountability Office has confirmed that where wire-based competition exists, cable rates are 15 percent lower than in markets without competition.

(4) It is in the public interest to further wire-based competition in the video services market in order to provide greater consumer choice and lower prices for video services.

(5) To spur competition in the communications industry, Congress has decreased the regulatory burden on new entrants, thereby increasing entry into the market and creating competition.

(6) The United States continues to fall behind in broadband deployment rates. According to a recent study by the International Telecommunications Union, the United States is now ranked 16th in the world in broadband deployment.

(7) The deployment of advanced high capacity networks would greatly spur economic development in rural America.

(8) The deployment of advanced networks that can offer substantially higher capacity are critical to the long-term competitiveness of the United States.

SEC. 3. AMENDMENT TO COMMUNICATIONS ACT.

Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following:

''PART VI—VIDEO CHOICE

''SEC. 661. DEFINITION.

''In this part, the term 'competitive video services provider' means any provider of video programming, interactive on-demand services, other programming services, or any other video services who has any right, permission, or authority to access public rights-of-way independent of any cable franchise obtained pursuant to section 621 or pursuant to any other Federal, State, or local law.

''SEC. 662. REGULATORY FRAMEWORK.

''(a) REDUNDANT FRANCHISES PROHIBITED.—Notwithstanding any other provision of this Act, no competitive video services provider may be required, whether pursuant to section 621 or to any other provision of Federal, State, or local law, to obtain a franchise in order to provide any video programming, interactive on-demand services, other programming services, or any other video services in any area where such provider has any right, permission, or authority to access public rights-of-way independent of any cable franchise obtained pursuant to section 621 or pursuant to any other Federal, State, or local law.

''(b) FEES.—

''(1) IN GENERAL.—Any competitive video services provider who provides a service that otherwise would qualify as a cable service provided over a cable system shall be subject to the payment of fees to a local franchise authority based on the gross revenues of such provider that are attributable to the provision of such service within such provider's service area.

''(2) CONSIDERATIONS.—In determining the fees required by this subsection—

''(A)(i) the rate at which fees are imposed shall not exceed the rate at which franchise fees are imposed on any cable operator providing cable service in the franchise area, as determined in accordance with section 622 and any related regulations; or

''(ii) in any jurisdiction in which no cable operator provides service, the rate at which franchise fees are imposed shall not exceed the statewide average; and

''(B) the only revenues that shall be considered are those attributable to services that would be considered in calculating franchise fees if such provider were deemed a cable operator for purposes of section 622 and any related regulations.

''(3) BILLING.—A competitive video services provider shall designate that portion of the bill of a subscriber attributable to the fee under paragraph (2) as a separate item on the bill.

''(c) TERMS OF SERVICE.—A competitive video services provider shall—

''(1) be subject to the retransmission consent provisions of section 325(b);

''(2)(A) carry, within each local franchise area, any public, educational, or governmental use channels that are carried by cable operators within such franchise area pursuant to section 611; or

''(B) provide, in any jurisdiction in which no cable operator provides service, reasonable public, educational and government access facilities pursuant to section 611;

''(3) be subject to the must-carry provisions of section 614;

''(4) carry noncommercial, educational channels as required by section 615;

''(5) be considered a multichannel video programming distributor for purposes of section 628 and be entitled to the benefits and protection of that section;

''(6) protect the personally identifiable information of its subscribers as required in section 631;

''(7) comply with any consumer protection and customer service requirements promulgated by the Commission pursuant to section 632;

''(8) not be subject to any other provisions of this title; and

''(9) not deny services to any group of potential residential subscribers because of the income of the residents of the local area in which such group resides.

''(d) REGULATORY TREATMENT.—Except to the extent expressly provided in this part, neither the Commission nor any State or political subdivision thereof may regulate the rates, charges, terms, conditions for, entry into, exit from, deployment of, provision of, or any other aspect of the services provided by a competitive video services provider.

''(e) STATE AND LOCAL GOVERNMENT AUTHORITY.—Except as provided in subsection (a), nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to enact or enforce any consumer protection law.''.

SEC. 4. REGULATION OF COMMON CARRIERS.

Section 651(a)(3) of the Federal Communications Act (47 U.S.C. 571(a)(3)) is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(C) if such carrier is a competitive video services provider providing video programming pursuant to part VI of this title, such carrier shall not be subject to the requirements of this title but instead shall be subject only to the provisions of part VI of this title.''.

SEC. 5. EXISTING FRANCHISE AGREEMENTS.

Any franchise agreement entered into by a franchising authority and a competitive video service provider for the provision of video service prior to the date of enactment of this Act shall be exempt from the provisions of this Act for the term of such agreement.

Mr. ROCKEFELLER. Mr. President, I am pleased to join Senator SMITH in introducing the Video Choice Act of 2005. We believe that our bill will increase competition in the video marketplace and spur the deployment of advanced broadband networks.

Cable and telephone companies are competing to offer a bundle of Internet, video and telephone service to consumers. Cable companies are now offering telephone services. Cable companies offer both traditional telephone services over the public switched telephone network and recently have begun a major expansion into offering voice services over the internet. Congress, in an effort to spur entry into the voice market, decided to minimally regulate or deregulate cable companies' entry in these voice services.

As cable enters the voice market, it is driving prices down and creating innovative new voice services and products. At present, cable companies control nearly 70 percent of the multichannel video market and are not subject to effective price competition for video services. The Senate Commerce Committee, of which Senator SMITH and I are both members, spent much of the last Congress examining options to address the ever escalating price of cable television. I recognize that the cable industry has invested heavily in its networks and programming costs continue to rise, but I am hearing from some of my constituents that they feel

captive to the pricing decisions of their local cable company.

I believe the government should encourage facilities-based video competition. The Government Accountability Office has reported that in areas where cable faces competition from a facilities-based competitor, cable television prices are, on average, 15 percent less and as much as 41 percent less than in areas without effective competition.

To compete with cable, traditional telephone companies are slowly entering the video marketplace. Instead of offering video services over cable, the telephone companies will offer it over their high capacity fiber networks. Fiber-optic cables consist of bundles of hair-thin glass strands. Laser-generated pulses of light transmit voice, data, and video signals via the fiber at speeds and capacities far exceeding today's copper-cable systems. Fiber technology provides nearly unlimited capacity, as much as 20 times faster than today's fastest high-speed data connections.

Even more importantly, our bill would speed the deployment of super fast broadband networks. To offer video services, telephone companies will have to either lay fiber optic cables or develop other networks that have enough capacity to transmit hundreds of television channels. These networks will also be able to offer consumers the ability to receive and send vast amounts of data.

Our Nation continues a precipitous decline in the world's broadband deployment rate. As Asian countries develop broadband networks capable of delivering consumers 30 to 100 megabits of data, the United States falls further behind in deployment of next generation broadband technologies. The deployment of fiber optic or technologically equivalent networks would spur economic development as well as consumer choice in the cable television market.

I have worked for almost eight years on legislation to provide incentives to promote the deployment of next generation broadband technology and services. The Senate has adopted this measure numerous times, but because of opposition in the House of Representatives, it has never been enacted into law. We must examine other policies if we are to achieve universal broadband penetration. I believe that our legislation will serve as a catalyst for the deployment of next generation broadband networks that will bring enormous economic benefits to Americans, especially rural Americans.

I know that many local governments are concerned about changing the existing regulatory framework for video regulation. I recognize that municipal governments have an important role to play in the telecommunications debate. As a former governor, I am aware of the important local revenues that cable franchise fees provide local government in West Virginia and across the Nation. I have always supported the local government's ability to collect local fees and taxes on telecommunications services, and I want to state that I will continue to do so.

Our legislation states that competitive video providers, as defined by the bill, do not have to secure a local franchise agreement to offer competitive video services. However, the legislation mandates that all vital social policy obligations of current cable television operators will also have to be met by the competitive video industry. First and foremost, our bill mandates that competitive video providers pay a franchise fee to the appropriate local government. This fee would be equal to the fee the incumbent video provider pays. Our bill also requires that competitive video providers carry all existing local public, educational, and government use channels; carry all local broadcast stations; carry all noncommercial, educational channels; adhere to strict consumer privacy obligations; and comply with all statutory consumer protections and customer service requirements. The bill explicitly prohibits economic redlining in the provision of competitive video services. Finally, the legislation explicitly states that nothing in the bill affects the authority of a State or local government to manage the public-rights-of-way or to enact or enforce any consumer protection law.

Senator SMITH and I have crafted a narrowly tailored bill to promote the entry of new competitors into the video marketplace. Our legislation balances the need to promote competition in this market with preserving the core social and policy obligations that we have always imposed on providers of video services.

In addition to promoting competition in the video marketplace, this bill gives us the opportunity to foster an exponential growth in advanced broadband networks. By having advanced communications networks that are exponentially faster than our existing networks, we will unleash our economic potential, especially in places like my home State of West Virginia.

Again, I would like to thank Senator SMITH for all of his hard work on this bill.

By Mr. SPECTER (for himself and Mrs. BOXER):

S. 1350. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Commerce, Science, and Transportation.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Wireless 411 Privacy Act. As every Senator is aware, consumers, today rely on their wireless telephones as a vital and important means of communication. Wifeless telephones enable families to stay connected, permit commerce to be conducted anywhere at any time, and provide a vital link in the event of an emergency. Some people have even abandoned traditional telephones and now use their wireless phones as their primary phone service. In fact, when I last introduced this bill in November 2003, the Federal Communications Commission began requiring number portability for wireless phones so that consumers, if they wish, can make their wireless phone their only phone.

The wireless industry is on the verge of introducing a ''wireless white pages'' service, and though this step could have positive benefits, it raises concerns about how consumers' expectation of privacy will be protected. The legislation I am introducing today, along with Senator BOXER, ensures that consumers' expectations will be preserved.

An important reason that Americans increasingly trust their cell phone service is that they have a great deal of privacy in their cell phone numbers. For more than 20 years of cellular service, consumers have become accustomed to not having their wireless phone numbers available to the public. The protection of wireless telephone numbers is important. For example, wireless customers are typically charged for incoming calls. Without protections for wireless numbers, subscribers could incur large bills, or use up their allotted minutes of use, simply by receiving calls they do not want—from telemarketers and others. Because consumers often take their cell phones with them everywhere, repeated unwanted calls are particularly disruptive, and may even present safety concerns for those behind the wheel.

Since 2003, four States—California, Georgia, South Dakota and Washington—have passed similar laws that prohibit a carrier from divulging a customer's wireless telephone number without permission. While the industry remains poised to introduce wireless directory assistance services as early as this year, it is important for Congress to act now to preserve the expectation of privacy that consumers across the country have in their wireless phone numbers. The legislation I am introducing today strikes an important balance by providing privacy protections that are important to consumers, while enabling those consumers who want to be reached to be accessible.

This legislation permits wireless subscribers to choose not to have their wireless telephone number listed in wireless directory assistance databases. This feature gives consumers the ultimate ability to keep their numbers entirely private. In addition to divulging subscribers' phone numbers, wireless directory assistance services may forward calls to wireless subscribers without prior notice or permission. My bill requires that these services must not divulge a subscriber's wireless number, unless the subscriber consents to disclosure, must provide identifying information to the wireless subscriber so that the subscriber knows who is calling through a forwarding service, and must give a subscriber the option

of rejecting or accepting each incoming call. Finally, this legislation prohibits wireless carriers from charging any special fees to consumers who wish to receive the privacy protections provided by the bill. There should be no ''privacy tax'' for consumers to continue the privacy protection they have long enjoyed, and this bill ensures that will be the case.

I urge my colleagues to join me in supporting this important 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. 1350

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 ''Wireless 411 Privacy Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there are roughly 150 million wireless subscribers in the United States, up from approximately 15 million subscribers just a decade ago;

(2) wireless phone service has proven valuable to millions of Americans because of its mobility, and the fact that government policies have expanded opportunities for new carriers to enter the market, offering more choices and ever lower prices for consumers;

(3) in addition to the benefits of competition and mobility, subscribers also benefit from the fact that wireless phone numbers have not been publicly available;

(4) up until now, the privacy of wireless subscribers has been safeguarded and thus vastly diminished the likelihood of subscribers receiving unwanted or annoying phone call interruptions on their wireless phones;

(5) moreover, because their wireless contact information, such as their phone number, have never been publicly available in any published directory or from any directory assistance service, subscribers have come to expect that if their phone rings it's likely to be a call from someone to whom they have personally given their number;

(6) the wireless industry is poised to begin implementing a directory assistance service so that callers can reach wireless subscribers, including subscribers who have not given such callers their wireless phone number;

(7) while some wireless subscribers may find such directory assistance service useful, current subscribers deserve the right to choose whether they want to participate in such a directory;

(8) because wireless users are typically charged for incoming calls, consumers must be afforded the ability to maintain the maximum amount of control over how many calls they may expect to receive and, in particular, control over the disclosure of their wireless phone number;

(9) current wireless subscribers who elect to participate, or new wireless subscribers who decline to be listed, in any new wireless directory assistance service directory, including those subscribers who also elect not to receive forwarded calls from any wireless directory assistance service, should not be charged for exercising such rights;

(10) the marketplace has not yet adequately explained an effective plan to protect consumer privacy rights;

(11) Congress previously acted to protect the wireless location information of subscribers by enacting prohibitions on the disclosure of such sensitive information without the express prior authorization of the subscriber; and

(12) the public interest would be served by similarly enacting effective and industry-wide privacy protections for consumers with respect to wireless directory assistance service.

SEC. 3. CONSUMER CONTROL OF WIRELESS PHONE NUMBERS.

Section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)) is amended by adding at the end the following:

''(9) WIRELESS CONSUMER PRIVACY PROTECTION.—

''(A) IN GENERAL.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not include the wireless telephone number information of any subscriber in any wireless directory assistance service database unless—

''(i) the mobile service provider provides a conspicuous, separate notice to the subscriber informing the subscriber of the right not to be listed in any wireless directory assistance service; and

''(ii) the mobile service provider obtains express prior authorization for listing from such subscriber, separate from any authorization obtained to provide such subscriber with commercial mobile service, or any calling plan or service associated with such commercial mobile service, and such authorization has not been subsequently withdrawn.

''(B) COST-FREE DE-LISTING.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, shall remove the wireless telephone number information of any subscriber from any wireless directory assistance service database upon request by that subscriber and without any cost to the subscriber.

''(C) WIRELESS ACCESSIBILITY.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such provider, may connect a calling party from a wireless directory assistance service to a commercial mobile service subscriber only if—

''(i) such subscriber is provided prior notice of the calling party's identity and is permitted to accept or reject the incoming call on a per-call basis;

''(ii) such subscriber's wireless telephone number information is not disclosed to the calling party; and

''(iii) such subscriber has not declined or refused to participate in such database.

''(D) PROTECTION OF WIRELESS PHONE NUMBERS.—A telecommunications carrier shall not disclose in its billing information provided to customers wireless telephone number information of subscribers who have indicated a preference to their commercial mobile services provider for not having their wireless telephone number information disclosed. Notwithstanding the preceding sentence, a telecommunications carrier may disclose a portion of the wireless telephone number in its billing information if the actual number cannot be readily ascertained.

''(E) PUBLICATION OF DIRECTORIES PROHIBITED.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not publish, in printed, electronic, or other form, or sell or otherwise disseminate, the contents of any wireless directory assistance service database, or any portion or segment thereof unless—

''(i) the mobile service provider provides a conspicuous, separate notice to the subscriber informing the subscriber of the right not to be listed; and

''(ii) the mobile service provider obtains express prior authorization for listing from such subscriber, separate from any authorization obtained to provide such subscriber with commercial mobile service, or any calling plan or service associated with such commercial mobile service, and such authorization has not been subsequently withdrawn.

''(F) NO CONSUMER FEE FOR RETAINING PRIVACY.—A provider of commercial mobile services may not charge any subscriber for exercising any of the rights under this paragraph.

''(G) STATE AND LOCAL LAWS PRE-EMPTED.—To the extent that any State or local government imposes requirements on providers of commercial mobile services, or any direct or indirect affiliate or agent of such providers, that are inconsistent with the requirements of this paragraph, this paragraph preempts such State or local requirements.

''(H) DEFINITIONS.—In this paragraph:

''(i) CALLING PARTY'S IDENTITY.—The term 'calling party's identity' means the telephone number of the calling party or the name of subscriber to such telephone, or an oral or text message which provides sufficient information to enable a commercial mobile services subscriber to determine who is calling.

''(ii) UNLISTED COMMERCIAL MOBILE SERVICES SUBSCRIBER.—The term 'unlisted commercial mobile services subscriber' means a subscriber to commercial mobile services who has not provided express prior consent to a commercial mobile service provider to be included in a wireless directory assistance service database.

''(iii) WIRELESS TELEPHONE NUMBER INFORMATION.—The term 'wireless telephone number information' means the telephone number, electronic address, and any other identifying information by which a calling party may reach a subscriber to commercial mobile services, and which is assigned by a commercial mobile service provider to such subscriber, and includes such subscriber's name and address.

''(iv) WIRELESS DIRECTORY ASSISTANCE SERVICE.—The term 'wireless directory assistance service' means any service for connecting calling parties to a subscriber of commercial mobile service when such calling parties themselves do not possess such subscriber's wireless telephone number information.''.

By Mrs. CLINTON:

S. 1351. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, I ask unanimous consent that a copy of the Cold War Medal Act of 2005, a bill to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era, be printed in the RECORD.

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

S. 1351

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 ''Cold War Medal Act of 2005''.

SEC. 2. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Cold War service medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War service medal', to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) DEFINITION.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1135. Cold War service medal.''.

By Mr. SPECTER (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1352. A bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Improved Workplace and Community Transition Training for Incarcerated Youth Offenders Act of 2005, which is legislation designed to enhance educational opportunities and reduce recidivism for adult and juvenile offenders. Following the repeal of Pell Grant eligibility for incarcerated individuals, I worked to create the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This program is aimed at providing postsecondary education and workplace and community transition training for incarcerated youth offenders while in prison, as well as employment counseling and other services that continue when the individual is released.

This legislation, which I am introducing today, builds upon my earlier efforts by increasing flexibility and accountability within the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders. This legislation is a positive step forward in providing realistic rehabilitation by increasing access to the current program for incarcerated youth offenders.

With over two million incarcerated adults, the United States has the highest incarceration rate in the world. The National Adult Literacy Study indicates that the majority of prison inmates either are illiterate or have marginal reading, writing, and math skills. This year more than 650,000 inmates will be released from United States prisons. Most of these adults and juveniles will leave correctional institutions having received little to no education and no more skilled than when they arrived. Frustrated by a lack of marketable skills, burdened with a criminal record, and released without transitional services, nearly two-thirds of released prisoners are re-arrested for either a felony or a serious misdemeanor within 3 years of release. It should come as no surprise that an individual who is released and who is illiterate or lacks the necessary skills to get a job returns to a life of crime.

The key to preventing recidivism has proven to be educational access and opportunity. A Correctional Educational Association report published findings from a study of education programs provided in correctional facilities. The findings show a remarkable decrease of approximately 10 percent in recidivism for those inmates that participated in education programs while incarcerated. The study also shows that the higher the education level reached by the offender, the lower the resulting recidivism rate.

Most incarcerated youth offenders will one day return back to their communities, so this legislation is about making sure they have an opportunity to turn their lives around before they are released. It is about focusing on literacy and job training in order to reduce recidivism and prevent incarcerated youth offenders from becoming career criminals. I believe that criminal offenders, especially juveniles, should be given a chance at rehabilitation and gainful employment. This chance can only come through education.

This legislation would authorize $30 million to provide incarcerated youth offenders, up to 35 years of age who are eligible for parole or release within 5 years, an opportunity to acquire postsecondary education while incarcerated, as well as employment counseling and other services that continue for up to one year after the individual is released. Currently, the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program provides formula grant funding to State correctional education agencies to provide postsecondary education and related services to incarcerated youth offenders up to 25 years of age. This legislation would increase eligibility for incarcerated youth offenders to individuals 35 years of age to allow more individuals to participate in the program, as the average age of inmates in most States is 35.

This legislation also aims to increase flexibility with regard to the delivery of postsecondary education and related services to incarcerated youth offenders. To that end, this legislation would raise the allowable expenditure permitted for each youth offender to the maximum Federal Pell Grant level. The current program limits expenditures per youth offender to $1,500 for tuition and books, and an additional $300 for related services. Under this legislation, State correctional education agencies have increased flexibility to address the unique needs of each inmate due to the elimination of the caps on funding, which currently dictate the specific amounts permitted to be used for tuition and books, and related services.

Additionally, this legislation requires State correctional education agencies to more thoroughly evaluate the effectiveness of the goals and objectives of the program by tracking and reporting specific and quantified student outcomes referenced to the outcomes of non-program participants. Increased accountability included in this legislation will allow a more in-depth study of the impact of education on key goals, such as, knowledge and skill attainment, employment attainment, job retention and advancement and recidivism rates.

Recognizing the impact that education and job training can have on incarcerated youth offenders, it is my sincere hope that this legislation will encourage incarcerated individuals to achieve independence and to gain the skills necessary to become productive members of society upon their release. With realistic rehabilitation, including literacy training and job training, we can stop the cycle of catch-and-release.

I urge my colleagues to join me in cosponsoring this legislation, and urge its swift adoption.

By Mr. REID (for himself, Mr. WARNER, Ms. MURKOWSKI, Mr. COCHRAN, Mr. CORZINE, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, and Mr. VITTER):

S. 1353. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise to introduce the ALS Registry Act. I am pleased that Senators WARNER, STABENOW, MURKOWSKI, BINGAMAN, COCHRAN, DURBIN, VITTER, and CORZINE are joining me as original cosponsors of this important legislation.

ALS is a fatal, progressive disease where the nerve cells that connect the brain and spinal cord to the muscles slowly die. As the disease progresses, patients slowly lose control of their muscles. Through it all, patients remain completely aware of what is happening to their bodies because ALS does not affect the mind. The harsh reality of ALS is that a person can expect to live on average only two to five years from the time the first signs of the disease appear.

Lou Gehrig brought Amyotrophic Lateral Sclerosis (ALS) to the public's attention more than 65 years ago and his courage put a human face on this terrible disease. Each of us has a Lou Gehrig back in our home State—someone who shows great courage in the face of ALS. Over the years, I have worked closely with the Nevada ALS Association and have met with many Nevadans who have been touched by this devastating illness. One of these Nevadans was a man by the name of Steve Rigazio who was invited to testify before the Labor/HHS/Education Appropriations Subcommittee in May of 2000. Steve was at the height of his career when he was diagnosed with ALS. He worked through the ranks of the Nevada Power Company, the largest utility company in the State, for 16 years until he became President. He coached and played recreational hockey and at one point played semi-pro baseball. After his diagnosis, Steve continued to show up at work at 6 a.m. for as long as he could. Steve Rigazio died of ALS on December 27, 2001 at the age of 47 and left behind a family that included a wife, two children and hundreds of friends. The ALS Steve Rigazio Voice of Courage Award was named in his honor as a living testimony to the life of this special man.

Sadly, every year approximately 5,600 Americans will learn they have ALS. There is no cure for ALS and there is only one FDA approved drug to specifically treat ALS. That drug extends life for only a few months and only works in 20 percent of patients.

ALS has proven particularly hard for scientists and doctors to tackle for a number of reasons; including the fact that there is also not a centralized place where data on the disease is collected and no one place for patients to go to find out about clinical trials and new research findings. Currently, there is only a patchwork of data about ALS that does not include the entire U.S. population and only includes limited data for specific purposes, such as to determine the relationship between military service and the disease. Perhaps the most obvious example of the limitations of current surveillance systems and registries is that we do not know with certainty how many people are living with ALS in the United States today. Over 136 years after the discovery of ALS, estimates on its prevalence still vary by as much as 100 percent—from a low of about fifteen thousand patients to as many as thirty thousand.

The legislation I am introducing today would create an ALS registry at the Centers for Disease Control and Prevention and will aid in the search for a cure to this devastating disease. The registry will collect data concerning: the incidence and prevalence of ALS in the U.S.; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS. The registry will also provide a secure method to put patients in contact with scientists conducting clinical trials and scientists studying the environmental and genetic causes of ALS.

A national registry will help arm our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. No one wants to wait another 65 years before a cure is found. I urge my colleagues to support the swift passage of the ALS Registry 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. 1353

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 ''ALS Registry Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Amyotrophic Lateral Sclerosis (referred to in this section as ''ALS'') is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and the spinal cord.

(2) The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

(3) The cause of ALS is not well understood.

(4) There is only one drug currently approved by the Food and Drug Administration for the treatment of ALS, which has thus far shown only modest effects, prolonging life by just a few months.

(5) There is no known cure for ALS.

(6) More than 5,000 individuals in the United States are diagnosed with ALS annually and as many as 30,000 individuals may be living with ALS in the United States today.

(7) Studies have found relationships between ALS and environmental and genetic factors, but those relationships are not well understood.

(8) Scientists believe that there are significant ties between ALS and any motor neuron diseases.

(9) Several ALS disease registries and databases exist in the United States and throughout the world, including the SOD1 database, the National Institute of Neurological Disorders and Stroke repository, and the Department of Veterans Affairs ALS Registry;

(10) A single national system to collect and store information on the prevalence and incidence of ALS in the United States does not exist.

(11) The establishment of a national registry will help—

(A) identify the incidence and prevalence of ALS in the United States;

(B) collect data important to the study of ALS;

(C) promote a better understanding of ALS;

(D) promote research into the genetic and environmental factors that cause ALS;

(E) provide a means for patients to contact scientists researching the environmental and genetic factors that cause ALS as well as those engaged in clinical trials; and

(F) enhance efforts to find treatments and a cure for ALS.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 6 months after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with a national voluntary health organization with experience serving the population of individuals with amyotrophic lateral sclerosis (referred to in this section as 'ALS'), shall—

''(A) develop a system to collect data on ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

''(B) establish a national registry for the collection and storage of such data to include a population-based registry of cases of ALS in the United States.

''(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

''(A) gather data concerning—

''(i) ALS, including the incidence and prevalence of ALS in the United States;

''(ii) the environmental and occupational factors that may be associated with the disease;

''(iii) the age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease; and

''(iv) other matters as recommended by the Advisory Committee established under subsection (b); and

''(B) establish a secure method to put patients in contact with scientists studying

the environmental, and genetic causes of motor neuron disease or conducting clinical trials on therapies for motor neuron disease.

''(b) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of at least one member, to be appointed by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, representing each of the following:

''(A) National voluntary health associations that focus solely on ALS that have a demonstrated experience in ALS research, care, and patient services.

''(B) The National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences.

''(C) The Department of Veterans Affairs.

''(D) The Agency for Toxic Substances and Disease Registry.

''(E) The Centers for Disease Control and Prevention.

''(F) Patients with ALS or their family members.

''(G) Clinicians who have worked with data registries.

''(H) Epidemiologists with experience in data registries.

''(I) Geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases.

''(J) Statisticians.

''(K) Ethicists.

''(L) Attorneys.

''(M) Other individuals with an interest in developing and maintaining the National ALS Registry

''(2) DUTIES.—The Advisory Committee shall conduct a study and make recommendations to the Secretary concerning—

''(A) the development and maintenance of the National ALS Registry;

''(B) the type of information to be collected and stored in the Registry;

''(C) the manner in which such data is to be collected;

''(D) the use and availability of such data including guidelines for such use; and

''(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

''(3) REPORT.—Not later than 6 months after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report concerning the study conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such study.

''(c) GRANTS.—Notwithstanding the recommendations of the Advisory Committee under subsection (b), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS.

''(d) COORDINATION WITH STATE, LOCAL, AND FEDERAL REGISTRIES.—

''(1) IN GENERAL.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, including—

''(i) the Department of Veterans Affairs ALS Registry;

''(ii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center;

''(iii) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio Texas, and Massachusetts;

''(iv) State-based ALS registries, including the Massachusetts ALS Registry;

''(v) the National Vital Statistics System; and

''(vi) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

''(B) provide for public access to an electronic national database that accepts data from State-based registries, health care professionals, and others as recommended by the Advisory Committee established in subsection (b) in a manner that protects personal privacy consistent with medical privacy regulations.

''(2) COORDINATION WITH NIH AND DEPARTMENT OF VETERANS AFFAIRS.—Notwithstanding the recommendations of the Advisory Committee established in subsection (b), the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

''(e) DEFINITION.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.''.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, Mr. CORZINE, and Mr. WYDEN):

S. 1354. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commission to review the U.S. government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my distinguished colleagues, Senators GRASSLEY, KENNEDY, LIEBERMAN, CORZINE and WYDEN, have joined me as cosponsors of this important bill. I thank them for their support.

The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, as so many brave Americans fought against enemies in Europe and the Pacific, the U.S. government was curtailing the freedom of people here at home. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. government must respect the basic freedoms for which so many Americans have given their lives to defend. War tests our principles and our values. And as our nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the Constitution or of basic freedoms.

Many Americans are aware of the fact that, during World War II, under the authority of Executive Order 9066, our government forced more than 100,000 ethnic Japanese from their homes into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

While I commend our government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the government also acknowledge the mistreatment experienced by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. We must learn from our history and explore why we turned on our fellow Americans and failed to protect basic freedoms.

A second commission created by this bill will review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts and determine how our restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. government to complete an accounting of this period in our nation's history. It is time to create independent, fact-finding commissions to conduct a full and through review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded ''enemy aliens'' and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the St. Louis, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

Although the injustices to European Americans, European Latin Americans, and Jewish refugees occurred fifty years ago, it is never too late for Americans to learn from these tragedies. We should never allow this part of our Nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I urge my colleagues to join me in supporting the Wartime Treatment Study Act. It is time for a full accounting of this tragic chapter in our nation's history.

I ask that the full text of the Wartime Treatment Study Act be printed in the RECORD.

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

S. 1354

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 ''Wartime Treatment Study Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review

the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader.

(3) Two members shall be appointed by the Majority Leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GRASSLEY, Mr. BAUCUS, Mr. DODD, Mr. ALEXANDER, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. HATCH, Mrs. MURRAY, Mr. REED, Mr. ALLEN, Mr. BURNS, Mr. CRAPO, Mr. DEMINT, Mr. SANTORUM, Mr. THOMAS, and Ms. CANTWELL):

S. 1355. A bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, no matter who we are, where we live or which Party we belong to, one thing we have in common is that all of us have been and will again be patients under the care of a health professional who we may, or may not, have visited before for treatment.

If we have already established a relationship with the doctor who is about to treat us, our problems will either be minimized, or will not exist. But, if this is our first experience with a physician or a specialist, how can we be certain that he or she has all the information that is necessary to prescribe a course of treatment and begin our care?

These are the kind of thoughts that run through every patient's mind as we sit in the waiting room, wondering if the high tech equipment that surrounds us is also reflected in our physician's access to our lab reports and previous examinations. In other words, is there any way for our doctors to get to know us, before we've even set foot in their examining room?

It's ironic that we live in a world where the latest news, sports and weather can make their way from the either side of the world to our computers and television sets as it happens. Our financial information is kept by our banks and is updated continuously throughout the day and is available to us almost instantaneously. Our medical records, however, are still kept the old fashioned way, on paper, and filed away. It is a tedious system, built the old fashioned way, because that's the way it was always done. Well, I am here to announce that the time has come to move to a newer, faster and more reliable system. Imagine a medical network that will reduce errors, help to lower costs and improve the quality of care we receive, all at the same time, by providing a treating physician with the information he needs immediately at the point of care. Is it possible—yes! Then why hasn't it happened yet?

Why is our medical system surging ahead in the kinds of technology that are available to diagnose and treat disease, when, at the same time, it is falling further and further behind in the creation of electronic medical records and the ability to share that information with health care providers who need that material to make what can all too often be life and death decisions?

Clearly, something has to change when I can carry a fob on my key chain that provides my local gas station owner with instant access to my credit information so I can buy fuel for my car, but providing access to my medical records to my doctor is a much longer and tedious process. This needs to change and it needs to change now.

We can all see how the information revolution has had a dramatic impact on virtually every industry in the United States. Its ability to promote efficiency has helped to reduce costs and increase effectiveness wherever it has been applied. It is now time to bring that technology to bear on our healthcare system.

At present, healthcare expenditures are growing faster than the overall economy. In 2003, we spent more than $1.7 trillion on healthcare. By 2014, that number is expected to reach $3.1 trillion. Clearly we need to find ways to increase the efficiency of our health care system and reduce the costs associated with it.

We have all heard it said that, when it comes to our health care system, you can't maintain the current standards of quality and control or reduce costs at the same time. While the implementation of a health information technology system may not dramatically reduce costs, it will help move us further down the road of controlling costs.

If we could manage a quick trip to the future, and pay a visit to the doctor's office when a health information technology system is put in place, we would see some dramatic changes have been made in the ability of our doctor to diagnose, treat and provide warnings of current and future medical problems.

In that future, when I arrived at my new doctor's office I gave the nurse at the front desk my key fob. She took a moment to swipe it past their computer access link. It is soon downloading my medical information and compiling a ''health report'' that focuses on any trends that are developing as the previous results of my examinations are charted and compared.

Then, as I sit in the waiting room, my physician is already consulting those records and monitoring my current and previous test results which are presented to him in the form of a graph that he has pulled up on his computer screen. With the simple swipe of a mechanical key my future doctor has

been able to unlock my complete medical history, and examined the results of all the tests I had taken over the years, regardless of where I had received care.

If my doctor was concerned about my cholesterol level, for example, he or she could pull up a complete history of blood tests that will enable my physician to track my blood chemistry and note any changes in my cholesterol level over the years.

Later, if my doctor considers writing a prescription for a new drug or medication, he will have the ability to first view all medications I am currently taking in order to make an informed decision regarding any potentially dangerous interactions or adverse side effects that might occur as a result of the new prescription.

Such a system will enable doctors to spend less time gathering information and quizzing patients about past health problems and spend more time listening to patients and ensuring their health care needs are met.

President Bush and Secretary of the Department of Health and Human Services Michael Leavitt have made their support for this clear. They recognize that the increased use of health information technology has the potential of saving this country billions of dollars that are now spent on duplicative tests, unnecessary inpatient admissions, and the costs associated with adverse drug effects. Some estimates suggest that, when an information technology system is established and put into operation, for each dollar we spend on this new technology we will save as much as four dollars in reduced costs. In a system with such high, increasing costs every dollar we can save is magnified.

Fortunately, this is not something that will have to wait for someday until it is technologically possible and practical. There are already medical pioneers in the field who are putting the tools together and working on the network that will be needed to provide for rapid and complete transmission of our medical history when it is needed. One of these innovators currently lives in my home State of Wyoming, in Big Piney, in fact.

The story of Dr. William Close is quite a remarkable one. With a wide and varied background that includes his love for the outdoors and a taste for classical music, Dr. Close has spent his life ensuring that the latest possible technologies were being used to address the health care needs of people all over the world.

Prior to settling down in Wyoming, Dr. Close spent 16 years in Africa battling the illnesses and dealing with the medical problems faced by a nation with a large population of patients, and not enough doctors to go around. His first year there he was one of only three doctors in a 2,000-bed hospital.

It was during those days that Dr. Close determined to find a way to bring the tools of modern technology to the diagnosis and treatment of disease. Faced with such a huge patient population, he needed a tool that would make the compiling of information and its interpretation easier.

His work led to the creation of a unique software that enabled a doctor to input a series of symptoms and come up with a possible diagnosis. It turned out to be such a valuable tool that it was able to be used on Palm Pilots, which made it an invaluable program for use on our Navy subs.

Upon his return to the United States he continued to work on the development of his computer application so he could track a patient's medical history over several visits, rather than focus on each appointment as a unique set of data. That enabled Dr. Close to spot problems before they became serious and to treat trends before they became life threatening.

Dr. Close has now logged more than 50 years of medical practice and, although he's officially retired, he still finds time to see patients in his office. He still makes house calls, too. That's a rare thing in most States, but a welcome part of life in Wyoming. He continues to work at what he calls his ''gentle, limited practice'' as he continues to provide an example for other health care providers and health information systems on how to maximize health care choices and treatments for his patients by getting to know the needs of his patients, by tracking their past history so he can help create a plan that will minimize a patient's risk for future health problems.

These are the kinds of things that are possible, if we commit to working together with our nation's health care providers to establish a network of information that will address the needs of the people of our country. I have been pleased to work with my ranking member on the HELP Committee, Senator KENNEDY, and the chair and ranking member of the Finance Committee, Senators GRASSLEY and BAUCUS, on this and other complementary legislation that will promote the use of health information technology today, not tomorrow. We have been putting a considerable amount of time and effort into the crafting of these bills to ensure that they will increase efficiencies, make our health care system more effective and responsive, and provide better care to us all as patients.

I mention the effect our bills will have on individuals because, as with most changes to our health care system, how well the system will work is ultimately determined by how well it works for those who rely on it.

For most Americans, their first and primary concern is the privacy of their records. That is an important provision of the bill and we have included strong language to ensure the privacy and security protection patients were guaranteed under HIPAA, the Health Insurance Portability and Accountability Act, are preserved. As that medical oath says so well, first, do no harm.

At present, most of our medical records are kept by well meaning physicians who, unfortunately, are known for having illegible handwriting. Some of their handwriting is worse than my own. A computerized record will eliminate that problem and provide clear, easily read and interpreted medical data to those who will need it to prescribe a course of treatment.

As with most things, there will be a great deal of concern about the system's cost and the availability of funds to pay for it. Our legislation will award competitive, matching grants to healthcare providers, states and academic programs to facilitate the purchase and enhance the utilization of qualified health information technology.

In the months to come, we will continue to encourage the participation of the private sector in this effort. They have asked for, and I believe they deserve, a seat at the table when standards are being determined and policies are being implemented. There is no question that some of them are closest to the problem at hand and their experience, ideas, and suggestions for innovation will be invaluable as we pursue the implementation of this new technology nationwide.

Secretary Leavitt recently announced the formation of what he is calling the American Health Information Community. He will chair this 17-member public-private collaborative that will help facilitate a nationwide transition to electronic health records, including common standards and interoperability, in a smooth, market-led way. I share his support for such an approach and his efforts to make it a reality.

The implementation of this new technology will make the sharing of health information more efficient between doctors and health professionals. And, most importantly, it will help to make our health care system more effective and provide better care to those who make use of it. It will also help to begin the vital process of controlling health care costs, something we must set as a goal and begin to achieve in the time before us.

This is a vital step in that process. With it, we can continue to make health care services more affordable and available. Without it we run the risk of having the best health care system in the world, with few among us able to afford taking full advantage of it.

I look forward to working with all my colleagues in the months ahead to ensure that meaningful health information technology legislation is signed into law later 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. 1355

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 ''Better Healthcare Through Information Technology Act''.

SEC. 2. IMPROVING HEALTHCARE, QUALITY, SAFETY, AND EFFICIENCY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

''SEC. 2901. PURPOSES.

''It is the purpose of this title to improve the quality, safety, and efficiency of healthcare by—

''(1) protecting the privacy and security of health information;

''(2) fostering the widespread adoption of health information technology;

''(3) establishing the public-private American Health Information Collaborative to identify uniform national data standards (including content, communication, and security) and implementation polices for the widespread adoption of health information technology;

''(4) establishing health information network demonstration programs;

''(5) awarding competitive grants to facilitate the purchase and enhance the utilization of qualified health information technology; and

''(6) awarding competitive grants to States for the development of State loan programs to facilitate the widespread adoption of health information technology.

''SEC. 2902. DEFINITIONS.

''In this title:

''(1) COLLABORATIVE.—The term 'Collaborative' means the public-private American Health Information Collaborative established under section 2904.

''(2) HEALTHCARE PROVIDER.—The term 'healthcare provider' means a hospital, skilled nursing facility, home health entity, healthcare clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

''(3) HEALTH INFORMATION.—The term 'health information' means any information, whether oral or recorded in any form or medium, that—

''(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

''(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

''(4) HEALTH INFORMATION NETWORK.—The term 'health information network' means an organization of health care providers and other entities established for the purpose of linking health information systems to enable the electronic sharing of health information.

''(5) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given that term in section 2791.

''(6) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

''(7) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

''(8) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term 'qualified health information technology' means a computerized system (including hardware, software, and training) that—

''(A) protects the privacy and security of health information and properly encrypts such health information;

''(B) maintains and provides permitted access to patients' health records in an electronic format;

''(C) incorporates decision support software to reduce medical errors and enhance healthcare quality;

''(D) is consistent with the standards recommended by the collaborative; and

''(E) allows for the reporting of quality measures.

''(9) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''SEC. 2903. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

''(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

''(b) PURPOSE.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

''(1) ensures that patients' health information is secure and protected;

''(2) improves healthcare quality, reduces medical errors, and advances the delivery of patient-centered medical care;

''(3) reduces healthcare costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

''(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

''(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on healthcare costs, quality, and outcomes;

''(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of healthcare information;

''(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

''(8) facilitates health research; and

''(9) promotes prevention of chronic diseases.

''(c) DUTIES OF THE NATIONAL COORDINATOR.—The National Coordinator shall—

''(1) serve as a member of the public-private American Health Information Collaboration established under section 2904;

''(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology;

''(3) facilitate the adoption of a national system for the electronic exchange of health information;

''(4) facilitate the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve healthcare quality; and

''(5) submit the reports described under section 2904(h).

''(d) DETAIL OF FEDERAL EMPLOYEES.—

''(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

''(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

''(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

''(B) be in addition to any other staff of the Department employed by the National Coordinator.

''(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

''SEC. 2904. AMERICAN HEALTH INFORMATION COLLABORATIVE.

''(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this title, and subject to the provisions of this title, the Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the 'Collaborative').

''(b) COMPOSITION.—The Collaborative shall be composed of—

''(1) the Secretary, who shall serve as the chairperson of the Collaborative;

''(2) the Secretary of Defense, or his or her designee;

''(3) the Secretary of Veterans Affairs, or his or her designee;

''(4) the National Coordinator for Health Information Technology;

''(5) the Director of the National Institute of Standards and Technology; and

''(6) one voting member from each of the following categories to be appointed by the Secretary from nominations submitted by the public:

''(A) Patient advocates.

''(B) Physicians.

''(C) Hospitals.

''(D) Pharmacists.

''(E) Health insurance plans.

''(F) Standards development organizations.

''(G) Technology vendors.

''(H) Public health entities.

''(I) Clinical research and academic entities.

''(J) Employers.

''(K) An Indian tribe or tribal organization.

''(L) State and local government agencies.

''(c) RECOMMENDATIONS AND POLICIES.—The Collaborative shall make recommendations to identify uniform national policies to the Federal Government and private entities to support the widespread adoption of health information technology, including—

''(1) protecting the privacy and security of personal health information;

''(2) measures to prevent unauthorized access to health information;

''(3) measures to ensure accurate patient identification;

''(4) methods to facilitate secure patient access to health information;

''(5) recommendations for a nationwide architecture that achieves interoperability of health information technology systems; and

''(6) other policies determined to be necessary by the Collaborative.

''(d) STANDARDS.—

''(1) IN GENERAL.—The Collaborative shall, on an ongoing basis—

''(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

''(B) identify deficiencies and omissions in such existing standards; and

''(C) identify duplications and omissions in such existing standards;

and recommend modifications to such standards as necessary.

''(2) RECOMMENDATIONS.—The Collaborative shall recommend to the President the adoption by the Federal Government of—

''(A) the standards adopted by the Consolidated Health Informatics Initiative as of the date of enactment of this title; and

''(B) on an ongoing basis as appropriate, any additional standards or modifications recommended pursuant to the review described in paragraph (1).

''(3) LIMITATION.—The standards described in this section shall not include any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

''(e) ACTION BY THE PRESIDENT.—Upon receipt of a recommendation from the Collaborative under subsection (d)(2), the President shall review and if appropriate, provide for the adoption by the Federal Government of such recommended standards.

''(f) COORDINATION OF FEDERAL SPENDING.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of hardware, software, or support services for the electronic exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

''(g) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 2 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of surveillance, epidemiology, adverse event reporting, or research shall comply with standards adopted under subsection (e).

''(h) VOLUNTARY ADOPTION.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

''(i) REPORTS.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

''(1) describes the specific actions that have been taken to facilitate the adoption of a nationwide system for the electronic exchange of health information;

''(2) describes barriers to the adoption of such a nationwide system; and

''(3) contains recommendations to achieve full implementation of such a nationwide system.

''(j) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2006 through 2010.

''SEC. 2905. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

''(a) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

''(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

''(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1).

''SEC. 2906. COMPETITIVE GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of healthcare.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures;

''(3) be a—

''(A) not for profit hospital;

''(B) group practice (including a single physician); or

''(C) another healthcare provider not described in subparagraph (A) or (B);

''(4) adopt the standards adopted by the Federal Government under section 2904;

''(5) submit to the Secretary a report on the degree to which such entity has achieved the measures adopted under section 2909;

''(6) demonstrate significant financial need; and

''(7) provide matching funds in accordance with subsection (d).

''(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used to facilitate the purchase and enhance the utilization of qualified health information technology systems.

''(d) MATCHING REQUIREMENT.—To be eligible for a grant under this section an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to $1 for each $3 of Federal funds provided under the grant.

''(e) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall give preference to—

''(1) eligible entities that are located in rural, frontier, and other underserved areas as determined by the Secretary;

''(2) eligible entities that will use grant funds to enhance secure data sharing across various health care settings or enhance interoperability with regional or national health information networks; and

''(3) with respect to an entity described in subsection (b)(3)(C), a not for profit healthcare provider.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

''SEC. 2907. COMPETITIVE GRANTS TO STATES FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to healthcare providers to facilitate the purchase and enhance the utilization of qualified health information technology.

''(b) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this section, a State shall establish a qualified health information technology loan fund (referred to in this section as a 'State loan fund') and comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

''(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) submit to the Secretary a strategic plan in accordance with subsection (d);

''(3) establish a qualified health information technology loan fund in accordance with subsection (b);

''(4) require that healthcare providers receiving such loans consult with the Center for Best Practices established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

''(5) require that healthcare providers receiving such loans adopt the standards adopted by the Federal Government under section 2904(d);

''(6) submit to the Secretary a report on the degree to which the State has achieved the measures under section 2909; and

''(7) provide matching funds in accordance with subsection (h).

''(d) STRATEGIC PLAN.—

''(1) IN GENERAL.—A State that receives a grant under this section shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

''(2) CONTENTS.—A strategic plan under paragraph (1) shall include—

''(A) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

''(B) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

''(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under subsection (a). Loans under this

section may be used by a healthcare provider to facilitate the purchase and enhance the utilization of qualified health information technology.

''(2) LIMITATION.—Amounts received by a State under this section may not be used—

''(A) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

''(B) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Better Healthcare Through Information Technology Act; or

''(C) for any purpose other than making loans to eligible entities under this section.

''(f) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this section may only be used for the following:

''(1) To award loans that comply with the following:

''(A) The interest rate for each loan shall be less than or equal to the market interest rate.

''(B) The principal and interest payments on each loan shall commence not later than 1 year after the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

''(C) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

''(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this section) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

''(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

''(4) To earn interest on the amounts deposited into the State loan fund.

''(g) ADMINISTRATION OF STATE LOAN FUNDS.—

''(1) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established.

''(2) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this section to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

''(3) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

''(A) provisions to ensure that each State commits and expends funds allotted to the State under this section as efficiently as possible in accordance with this title and applicable State laws; and

''(B) guidance to prevent waste, fraud, and abuse.

''(4) PRIVATE SECTOR CONTRIBUTIONS.—

''(A) IN GENERAL.—A State loan fund established under this section may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this section.

''(B) AVAILABILITY OF INFORMATION.—A State shall make publically available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

''(5) RESERVATION OF AMOUNTS.—A State may reserve not to exceed 40 percent of amounts in the State loan fund to issue loans to recipients who serve medically underserved areas.

''(h) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

''(i) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this section to States that adopt value-based purchasing programs to improve healthcare quality.

''(j) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of making grants under subsection (a), there is authorized to be appropriated $50,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

''(l) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2010.

''SEC. 2908. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

''(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic programs integrating qualified health information technology systems in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(2) submit to the Secretary a strategic plan for integrating qualified health information technology in the clinical education of health professionals and for ensuring the consistent utilization of decision support software to reduce medical errors and enhance healthcare quality;

''(3) be—

''(A) a health professions school; or

''(B) an academic health center;

''(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate health information technology in the delivery of health care services; and

''(5) provide matching funds in accordance with subsection (c).

''(c) MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may award a grant to an entity under this section only if the entity agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

''(d) PREFERENCE IN AWARDING GRANTS.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that—

''(1) will use grant funds in collaboration with 2 or more disciplines; and

''(2) will use grant funds to integrate qualified health information technology into community-based clinical education experiences.

''(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

''(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

''(1) describes the specific projects established under this section; and

''(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

''(g) LIMITATION.—Not more than 10 percent of amounts received under a grant awarded under this section may be used for administrative expenses.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2006, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

''(i) SUNSET.—This section shall not apply after September 30, 2008.

''SEC. 2909. QUALITY MEASUREMENT SYSTEMS.

''(a) IN GENERAL.—The Secretary shall develop quality measurement systems for the purposes of measuring the quality of care patients receive.

''(b) REQUIREMENTS.—The Secretary shall ensure that the quality measurement systems developed under subsection (a) comply with the following:

''(1) MEASURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall select measures of quality to be used by the Secretary under the systems.

''(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretary shall, to the extent feasible, ensure that—

''(i) such measures are evidence based, reliable and valid, and feasible to collect and report;

''(ii) such measures include measures of process, structure, beneficiary experience, efficiency, and equity;

''(iii) such measures include measures of overuse, underuse, and misuse of healthcare items and services; and

''(iv) such measures include—

''(I) with respect to the initial year in which such measures are used, one or more elements of a qualified health information technology system as defined in section 2901; and

''(II) with respect to subsequent years, additional elements of qualified health information technology systems as defined in section 2901.

''(2) WEIGHTS OF MEASURES.—The Secretary shall assign weights to the measures used by the Secretary under each system established under subsection (a).

''(3) MAINTENANCE.—The Secretary shall, as determined appropriate, but in no case more often than once during each 12-month period, update the quality measurement systems developed under subsection (a), including through—

''(A) the addition of more accurate and precise measures under the systems and the retirement of existing outdated measures under the systems; and

''(B) the refinement of the weights assigned to measures under the systems.

''(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating the quality measurement systems under this section, the Secretary shall—

''(1) consult with, and take into account the recommendations of, the entity that the Secretary has an arrangement with under subsection (e);

''(2) consult with provider-based groups and clinical specialty societies; and

''(3) take into account—

''(A) the demonstrations required under this Act;

''(B) the demonstration program under section 1866A of the Social Security Act;

''(C) the demonstration program under section 1866C of such Act;

''(D) any other demonstration or pilot program conducted by the Secretary relating to measuring and rewarding quality and efficiency of care; and

''(E) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(d) REQUIRED CONSIDERATIONS IN IMPLEMENTING THE SYSTEMS.—In implementing the quality measurement systems under this section, the Secretary shall take into account the recommendations of public-private entities—

''(1) that are established to examine issues of data collection and reporting, including the feasibility of collecting and reporting data on measures; and

''(2) that involve representatives of health care providers, consumers, employers, and other individuals and groups that are interested in quality of care.

''(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

''(1) ARRANGEMENT.—On and after July 1, 2006, the Secretary shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, the development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

''(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

''(A) The entity is a private nonprofit entity governed by an executive director and a board.

''(B) The members of the entity include representatives of—

''(i)(I) health plans and providers receiving reimbursement under this title for the provision of items and services, including health plans and providers with experience in the care of frail elderly and individuals with multiple complex chronic conditions; or

''(II) groups representing such health plans and providers;

''(ii) groups representing individuals entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title;

''(iii) purchasers and employers or groups representing purchasers or employers;

''(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

''(v) State government health programs;

''(vi) individuals skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

''(vii) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

''(C) The membership of the entity is representative of individuals with experience with urban health care issues and individuals with experience with rural and frontier health care issues.

''(D) The entity does not charge a fee for membership for participation in the work of the entity related to the arrangement with the Secretary under paragraph (1). If the entity does require a fee for membership for participation in other functions of the entity, there shall be no linkage between such fee and participation in the work of the entity related to such arrangement with the Secretary.

''(E) The entity—

''(i) permits any member described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

''(ii) ensures that such members have an equal vote on such matters .

''(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

''(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).

''SEC. 2910. APPLICABILITY OF PRIVACY AND SECURITY REGULATIONS.

''The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

''(1) apply to any health information stored or transmitted in an electronic format on or after the date of enactment of this title; and

''(2) apply to the implementation of standards, programs, and activities under this title.

''SEC. 2911. STUDY OF REIMBURSEMENT INCENTIVES.

''The Secretary shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving healthcare quality in community health centers and other Federally qualified health centers, rural health clinics, free clinics, and other programs reimbursed primarily on a cost basis deemed appropriate by the Secretary.''.

SEC. 3. CENTER FOR BEST PRACTICES.

Section 914 of the Public Health Service Act (42 U.S.C. 299b-3) is amended by adding at the end the following:

''(d) CENTER FOR BEST PRACTICES.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Center for Best Practices to provide technical assistance and develop best practices to support and accelerate the efforts of States and healthcare providers to adopt, implement, and effectively use health information technology.

''(2) CENTER FOR BEST PRACTICES.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Director shall establish a voluntary Center for Best Practices (referred to in this subsection as the 'Center') for States and healthcare stakeholders seeking to facilitate mutual learning and accelerate the pace of innovation in, and implementation of, health information technology. The Center shall support activities to meet goals, including—

''(i) providing for the widespread adoption of interoperable health information technology;

''(ii) providing for the establishment of regional and local health information networks to facilitate the development of interoperability across healthcare settings;

''(iii) the development of solutions to barriers to the exchange of electronic health information; or

''(iv) other activities identified by the States or health care stakeholders as a focus for developing and sharing best practices.

''(B) PURPOSES.—The purpose of the Center is to—

''(i) provide a forum for the exchange of knowledge and experience;

''(ii) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

''(iii) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology;

''(iv) assure the timely provision of technical and expert assistance from the Agency and its contractors;

''(v) accelerate the pace of health information technology innovation; and

''(vi) provide technical assistance to entities developing applications for demonstration grants under subsection (b).

''(C) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall—

''(i) modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Network and facilitate information exchange across the public and private sectors;

''(ii) expand the Agency's focus on the adoption, implementation, and effective use of health information technology through the development of practical implementation guidance based upon existing knowledge and support for rapid-cycle implementation research to address questions for which existing knowledge is insufficient; and

''(iii) develop the capacity to identify and widely share in a timely manner innovative approaches to advancing health information technology and its ultimate goal, the improvement of the quality, safety, and efficiency of health care.

''(3) TECHNICAL ASSISTANCE TELEPHONE NUMBER OR WEBSITE.—The Secretary shall establish a toll-free telephone number or Internet website to provide healthcare providers with a single point of contact to—

''(A) learn about Federal grants and technical assistance services related to health information technology;

''(B) learn about qualified health information software that has been certified to be in compliance with the standards adopted by the Federal Government under section 2904 and is available for commercial use;

''(C) receive referrals to regional and local health information networks for assistance with health information technology;

''(D) provide information regarding—

''(i) the electronic submission of health data collected by Federal agencies; and

''(ii) the uniform and consistent implementation of standards; and

''(E) disseminate additional information determined by the Secretary to be helpful to such providers.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.''.

SEC. 4. HEALTH INFORMATION NETWORK DEMONSTRATION PROGRAM.

Section 914 of the Public Health Service Act (42 U.S.C. 299b-3), as amended by subsection (b), is further amended by adding at the end the following:

''(e) HEALTH INFORMATION NETWORK DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Director may establish a demonstration program under which grants or contracts shall be awarded to support health information network planning, implementation, and evaluation activities.

''(2) ELIGIBILITY.—To be eligible to receive a grant or contract under the demonstration program under paragraph (1), an entity shall—

''(A) submit to the Director an application at such time, in such manner, and containing such information as the Director may require;

''(B) submit to the Director a strategic plan for the implementation of data sharing and interoperability measures across the various health care settings within the proposed network;

''(C) be a public or nonprofit private entity that is or represents a network or potential network that includes healthcare providers and group health plans in a defined area of geographic proximity or organizational affinity, and that may include for profit entities so long as such an entity is not the grantee;

''(D) demonstrate, where appropriate, the involvement and commitment of the appropriate State or States;

''(E) specify a defined area of geographic proximity or organizational affinity that the health information network will encompass;

''(F) demonstrate active participation in the best practice network described in subsection (d);

''(G) demonstrate compliance with the data standards and technical policies adopted by the Federal Government under section 2904(e);

''(H) submit to the Secretary a report on the degree to which such entity has achieved the measures under section 2909;

''(I) demonstrate financial need; and

''(J) agree to provide matching funds in accordance with paragraph (4).

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts received under a grant under this subsection shall be used to establish and implement a regional or local health information network.

''(B) LIMITATION.—Amounts received under a grant under this subsection may not be used to purchase a health information technology system that is not a qualified health information technology system.

''(4) MATCHING REQUIREMENT.—To be eligible to receive a grant or contract under this subsection an entity shall contribute non-Federal funds to the costs of carrying out the activities for which the grant or contract is awarded in an amount equal to $1 for each of $2 of Federal funds, provided under the grant.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $50,000,000 for fiscal year 2006, $70,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.''.

SEC. 5. EXCEPTION TO FEDERAL ANTI-KICKBACK AND STARK LAWS FOR THE PROVISION OF PERMITTED SUPPORT.

(a) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(D) in subparagraph (I), as so redesignated—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting ''; and''; and

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

''(J) during the 5-year period beginning on the date the Secretary issues the interim final rule under section 5(c)(1) of the Better Healthcare Through Information Technology Act, the provision, with or without charge, of any permitted support (as defined in paragraph (4)).''; and

(2) by adding at the end the following new paragraph:

''(4) PERMITTED SUPPORT.—

''(A) DEFINITION OF PERMITTED SUPPORT.—Subject to subparagraph (B), in this section, the term 'permitted support' means the provision of any equipment, item, information, right, license, intellectual property, software, training, or service used for developing, implementing, operating, or facilitating the use of systems designed to improve the quality of health care and to promote the electronic exchange of health information.

''(B) EXCEPTION.—The term 'permitted support' shall not include the provision of—

''(i) any support that is determined in a manner that is related to the volume or value of any referrals or other business generated between the parties for which payment may be made in whole or in part under a Federal health care program;

''(ii) any support that has more than incidental utility or value to the recipient beyond the exchange of health care information; or

''(iii) any health information technology system, product, or service that is not in compliance with data standards adopted by the Federal Government under section 2904 of the Public Health Service Act.''.

(b) STARK.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended by adding at the end the following new paragraph:

''(9) PERMITTED SUPPORT.—During the 5-year period beginning on the date the Secretary issues the interim final rule under section 5(c)(1) of the Better Healthcare Through Information Technology Act, the provision, with or without charge, of any permitted support (as defined in section 1128B(b)(4)).''.

(c) REGULATIONS.—In order to carry out the amendments made by this section—

(1) the Secretary of Health and Human Services shall issue an interim final rule with comment period by not later than the date that is 180 days after the date of enactment of this Act; and

(2) the Secretary shall issue a final rule by not later than the date that is 180 days after the date that the interim final rule under paragraph (1) is issued.

Mr. KENNEDY. Mr. President, It is a privilege to join Senator ENZI, Senator GRASSLEY, Senator BAUCUS and many other sponsors on this bill to modernize our health care system with information technology.

The United States has the best doctors and hospitals in the world, but we will soon be left behind other industrialized nations if we fail to adopt modern technology. When enacted, this bill will be the first legislation to address the glaring lack of such technology in U.S. health care. Modern information technology can transform health care as profoundly as any medical discovery of the past, and the American people deserve that transformation.

The Institute of Medicine estimates that as many as 98,000 Americans die in hospitals each year because of medical errors—making it the eighth leading cause of death in the United States. Elderly patients are prescribed improper medication in one out of every 12 physician visits. Adult Americans receive recommended care only 55 percent of the time. Nearly 30 percent of health care spending, $300 billion a year, goes for treatments that may not improve health, are redundant, or are even wrong for the patient's condition. Medical experts agree that most of these shameful statistics could be drastically reduced by modern information technology in doctors' offices, hospitals, nursing homes, pharmacies, clinical laboratories and public health departments across the country.

It is not just quality of care that improves with use of Health IT—the cost goes down as well. National health care spending now exceeds $1.7 trillion a year—and health spending and health insurance premiums continue to rise at rates much higher than general inflation. The Federal Government estimates that savings in the range of $140 billion a year, close to 10 percent of total health spending, could be achieved through widespread adoption of health IT. These system-wide savings would reduce insurance premiums by $700 a year for every family in America.

Some States, including Massachusetts, are leading the way toward a fully interconnected health IT system, with cutting edge projects being conducted by organizations such as the

Massachusetts e-Health Collaborative, the Massachusetts Technology Collaborative, the New England Healthcare Institute and the Center for Information Technology Leadership. But, we still have much to do.

Despite the obvious health benefit, most doctors and hospitals are not using this technology or preparing to do so. In fact, only 10 percent of hospitals are using computerized prescribing. Another 20 percent of hospitals are currently installing them. That leaves 70 percent out. The United States ranks far below other industrial countries on IT in healthcare—lower than 12 out of 15 European nations.

Part of the problem is the up-front cost of these systems. Doctors are not always confident that the system they invest in will be able to talk to other parts of the overall system. We need rules and standards for electronic data sharing to encourage doctors to accept them, as our bill proposes.

The legislation establishes a public-private partnership to create national standards for health IT—a common language for doctors' computer systems to talk to each other. Targeted funding mechanisms will help doctors and hospitals acquire the technology they need for their patients. Grants will be available for cases of special need, such as doctors practicing in underserved areas. Financial assistance will also help establish regional health information technology organizations, such as networks of doctors, hospitals, health plans and pharmacies. These networks will be a crucial testing ground to work out how all parts of the health system can communicate to provide clinical information wherever and whenever it is needed.

The bill also creates a Federal-State public-private loan fund to make loans available at low rates to help health care professionals to acquire the technology. The State fund will accept private sector contributions from health plans and large systems that would benefit from having more doctors using the technology. Insurers and large hospitals stand to gain the most savings from IT, and should contribute to this national effort.

The bill will also help providers improve quality by establishing a Best Practices Center where IT users can learn from the experience of others, and by funding new programs to train health professionals to use the technology.

We have a responsibility to make the miracles of modern medicine available to every American. Rising costs are crushing our health care system. Premiums are going through the roof. The ranks of the uninsured grow every day. Families have to choose between health care and groceries, rent, and college tuition. When millions of Americans struggle to afford health care for their families, it is profoundly wrong to squander more than half a trillion dollars each year on obsolete administrative expenses. That's not the American dream. We can find a better way.

Other nations are taking action to use this extraordinary technology to cut costs and save lives—but America lags behind. We can't continue to let the high cost of health care price American goods and services out of the global marketplace.

The need for this investment is urgent. In the words of Secretary Leavitt, ''Every day that we delay, lives are lost.'' The proposals we are introducing today will improve care, save lives and make health care more affordable for every American.

I commend Senator ENZI, Senator GRASSLEY and Senator BAUCUS for their leadership, and I look forward to working closely with all our colleagues to see that these important proposals are enacted into law this year.

Mr. REED. Mr. President, I join several of my colleagues in introducing the Better Healthcare Through Information Technology Act. This bill represents a strong step forward in modernizing our health care system and paving the way to greater efficiency and quality in the delivery of care.

Health care costs are becoming an enormous drain on employers, employees, and the Nation as a whole. More Americans are uninsured, and premiums for health insurance are increasing at an unsustainable rate of 20, 30, and even 40 percent per year. Health care reform is needed to address the huge concerns of the American people and our Nation's businesses. Indeed, the fact that companies like GM are losing competitiveness and laying off 25,000 workers, in part due to health costs, is a strong sign that our current health care system is flawed.

Solving these challenges will require new, bold policy initiatives to make health care coverage more affordable for employers, employees, and all Americans. Comprehensive efforts at change must be considered in our approach to health care reform. As a start, there are numerous improvements that can—and should—be made to fully pull the industry into the information age with the widespread adoption of information technology. It is unfortunate, but not surprising, that many of our Nation's other systems, such as our banking systems, are decades ahead in providing a seamless national network facilitating nearly instantaneous and universal access to information. It is high time for this body to act to modernize our health system as well, for its adoption of IT systems has the promise to improve quality while simultaneously reducing cost.

There are significant barriers to the adoption of IT by health care providers, including often-prohibitive costs of capital expenditures needed for hardware and software and a lack of uniform standards for the electronic exchange of information. Systems are prohibitively expensive for many physician practices and there is no guarantee of interoperability with the system used at a local hospital, lab, or pharmacy.

The Better Healthcare Through Information Technology Act addresses many of these barriers. It codifies existing efforts by the government to spur the use of health IT. It creates a public-private collaborative to build consensus on a single set of standards. To ensure that these standards will then be embraced, our bill requires Federal procurement of information technology, and data collection by Federal agencies to comply with them.

A similar collaborative on a local scale already exists in Rhode Island. The Rhode Island Quality Institute links providers, hospitals, insurers, government, businesses, and the academic community in the pursuit of improving health care quality. I commend the Rhode Island Quality Institute for its statewide efforts to make Rhode Island a true health care improvement ''learning lab,'' and I believe that the bill we are introducing today will support these and similar efforts around the country.

To do this, our legislation recognizes and aims to address the financing challenges faced by providers. The bill establishes a number of competitive grants and facilitates State loan programs that are designed to get qualified health IT systems in the hands of doctors, hospitals, and clinics. Other provisions, including modifications to Federal anti-kickback and Stark laws and the establishment of a toll-free telephone number or Web site to assist physicians, will accelerate the implementation and integration of health IT.

The combination of uniform standards, help for physicians to purchase health IT systems, and improved exchange of electronic information through a national system will ultimately move us toward a conversion to Electronic Medical Records. Records will seamlessly follow the patient and improve evidence-based medicine by allowing aggregate data to be used in the determination of best treatment practices. Decision support systems will provide doctors with the most up-to-date evidence-based recommendations available.

Perhaps most importantly, though, the use of IT offers the hope of reducing the thousands of medical errors each year that add to both unnecessary pain and suffering and the cost of health care. Computerized Physician Order Entry, or CPOE, could alone bring enormous savings to the health care system by reducing medication errors in hospitals and clinics.

Systemic errors such as these account for many of the medical errors identified by the Institute of Medicine in their seminal study on this topic that estimated up to 98,000 avoidable deaths from medical errors each year. It will take government action and investment to bring about the technological sophistication and interoperability necessary to substantially reduce the incidence of these errors.

I want to thank Senators ENZI, KENNEDY, DODD, and others for their efforts on this bill. I look forward to continuing to work with each of them and the rest of my colleagues to bring our Nation's health system into the 21st century.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ENZI, and Mr. KENNEDY):

S. 1356. A bill to amend title XVIII of the Social Security Act to provide incentives for the provision of high quality care under the medicare program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator BAUCUS in introducing the Medicare Value Purchasing (MVP) Act of 2005. Senator BAUCUS shares my strong commitment to ensuring the vitality of the Medicare program for generations of beneficiaries to come. Two years ago, we worked in a bipartisan manner to establish the first ever Medicare prescription drug benefit, to create new coverage choices under the Medicare Advantage program, and to cover more preventive screening tests. The Medicare Modernization Act transformed Medicare benefits and choices.

Over the past 40 years, Medicare has made immeasurable differences in the lives of our Nation's seniors and disabled citizens by providing beneficiaries with access to care. The bill that we are introducing today will ensure that they continue not only to have that access, but also have access to good care. Some folks might think I am saying that beneficiaries don't receive good care today. Nothing could be further from the truth. I know that physicians, hospitals, nurses and other providers across the country work every day to provide quality care. But just like all Medicare beneficiaries have the same benefits, all Medicare beneficiaries should get the highest quality care possible. And today, that's just not the case; there is tremendous room for improvement.

A May 2005 Commonwealth Fund review of more than four hundred studies and data sets painted a mixed picture on the quality of care received by Medicare beneficiaries. The analysis found that many improvements are occurring—breast cancer screening rates have tripled and many patients with diabetes get the tests they need to keep them healthy. At the same time, the review showed that in some parts of the country, beneficiaries get recommended treatments, such as immunizations, but in other parts they don't. They found that improvements in care for Medicare beneficiaries have not kept pace with improvements among other groups. For example, between 1988 and 1994, the percent of forty-five-year-olds to sixty-four-year-olds whose blood pressure was controlled, increased from 33 percent to 40 percent. Among Medicare beneficiaries, it stayed the same—just 24 percent. They also zeroed in on the need to strengthen programs to care for beneficiaries with a chronic illness. Research shows that twenty percent of Medicare beneficiaries have five or more chronic illnesses. Caring for these beneficiaries accounts for nearly 70 percent of Medicare spending.

One of the study's most disturbing findings was the States with higher spending per Medicare beneficiary tended to rank lower on twenty-two quality-of-care indicators. According to the researchers, this might reflect practice patterns that favor intensive, costly care rather than ''effective'' care. Simply stated, spending more, does not necessarily translate into better quality care for beneficiaries. Of the $300 billion Medicare dollars spent last year, I think it is safe to say that in many cases we—beneficiaries and taxpayers—did not get the absolute best value. Not even close.

Why is that the case? In part, it is because of the way we pay for care. I am sure that everyone remembers ''To Err is Human'' in which the Institute of Medicine reported the startling fact that studies suggest that up to 98,000 Americans die in hospitals each year from medical errors. It was in headlines for months.

I would bet that not as many folks know about the IOM's follow-up report, ''Crossing the Quality Chasm.'' In my opinion, that report is equally, if not more, important because it sets forth a wide-ranging strategy to address the deficiencies in our health care system that undermine the delivery of high quality care. Among the IOM's chief recommendations was a call to both public and private purchasers to examine their current payment methods to remove barriers that currently impede quality improvement, and to build stronger incentives for quality enhancement.

The IOM specifically recommended that payment methods should provide ''fair payment for good clinical management.'' Providers also need to be able to share in the benefits of quality improvement. Consumers and purchasers need opportunities to recognize quality differences and to use quality information when making health care decisions. In simplest terms, we need to better align financial incentives to help promote quality and to achieve better value. The Medicare Payment Advisory Commission (MedPAC) has issued similar recommendations.

Today, Medicare pays the same amount regardless of quality of care. Some people would argue that in fact, the current Medicare payment system rewards poor quality. For example, if a patient suffers a complication from subpar hospital care and ends up back in the same hospital to treat that complication, Medicare will pay the hospital for the patient's rehospitalization. On the other hand, if a hospital follows best practices of care and helps patients avoid complications that could require a rehospitalization, well, that hospital doesn't get anything. The hospital that provides lower quality care to the beneficiary gets another payment. The hospital that provides higher quality care to the beneficiary gets nothing.

Over time, this perverse situation could disadvantage the hospital that delivers higher quality care to beneficiaries because it will get less revenue, which could compromise its ability to compete against other hospitals. This situation just does not make sense; neither to me, nor should it to beneficiaries. Providing lower quality care can lead to greater revenue, while providing higher quality care can penalize providers financially. It is the exact opposite of what we want and need for Medicare and beneficiaries. Of course, our Nation is blessed with millions of dedicated and qualified health care providers who care deeply about the quality of care they provide to their patients. What we have is a systemic failure of Medicare payment systems to reward quality and provide the incentives to invest more in health care information technology and other efforts to improve health care quality. This bill creates the financial incentives that reward those providers who deliver that quality care today, and to those who make improvements where they are needed.

The MVP Act seeks to remedy this situation and to implement the IOM's and MedPAC's recommendations by creating quality payments under Medicare for physicians and other providers, hospitals, health plans, skilled nursing facilities, home health, and end stage renal disease facilities. Senator BAUCUS and I know that it is a pretty ambitious strategy. We also recognize that this substantial departure from current payment practices cannot and should not happen overnight. Careful consideration of which quality measures that the Centers for Medicare and Medicaid Services (CMS) should use in making quality-based payments will take some time. Providers will play a significant role in determining which measures to use. This is important—we need to make sure that the measures are valid and reliable. In addition, providers will need some time to become more proficient in collecting and reporting quality data for payment purposes.

The MVP Act builds on the small step made in the MMA which established reporting incentives in its early years. Under the MMA, hospitals that report ten quality measures receive a full payment update, those that don't report, receive a smaller update. This approach has been successful. In 2005, 99 percent of hospitals reported the data and CMS has seen improvements in quality among the participating hospitals. Under the MVP Act, using the data from these reporting years, CMS will give providers an idea of where they stand on quality before quality payments will begin. This will allow providers the chance to fine tune their quality practices and data reporting

capabilities before payments will be determined based on a specific provider's quality measures.

For each provider group and facility, as well as Medicare Advantage plans under our legislation, CMS will then begin to make quality payments from a pool that initially will equal one percent of their Medicare payments. Over five years, quality payments will increase to two percent of total payments. Payments will be awarded for meeting performance thresholds and to those who demonstrate a level of improvement specified by CMS. This approach recognizes that we need to offer incentives to a broad base of providers—providers who perform well today deserve recognition; those that might not be performing well, but have improved, also should be recognized. Finally, CMS will report publicly on how various providers, facilities, and plans do with respect to quality. This information will help empower beneficiaries when making their health care decisions and when making informed choices.

Our bill recognizes that the private sector has made a lot of progress in developing and adopting quality measures. There are several value-based purchasing projects underway around the country. We don't want to reinvent the wheel—we want to build on these initiatives. These private projects, along with its own projects, can help inform the Centers for Medicare and Medicaid Services (CMS) as it works out technical details to implement quality-based payments using the framework established by the MVP Act.

This framework is consistent with the thinking of CMS on quality-based payments as expressed by Administrator Mark McClellan. It also is consistent with principles endorsed today by more than twenty of the Nation's leading consumer, employer, and labor organizations. In announcing the principles, Peter Lee, president and CEO of the Pacific Business Group on Health and co-chair of the Consumer-Purchaser Disclosure Project stated, ''We must move beyond a system that is performance-blind to one that rewards better quality and gives consumers tools to make informed choices.''

Now some folks may think that Medicare shouldn't take on this issue—that it might better for the private sector to do it alone. I respectfully disagree with that view. Medicare is the single largest purchaser of health care in the Nation. The IOM in ''Leadership by Example'' expressed its opinion that Federal Government health care programs can significantly influence how care is provided by the private sector. The Commonwealth Fund researchers share this view—that adopting quality payments in Medicare can influence the level of quality in all health care, not just care for the elderly.

And there's a lot of health care to be influenced. Our Nation spent $1.8 trillion on health care last year. Health care spending is expected to reach more than 15 percent of the gross domestic product. But just like in Medicare, we are not always getting the best value for those dollars. That $1.8 trillion in spending translated to a 37th place ranking for the United States compared to other countries around the world, in quality, according to the World Health Organization (WHO). Spending more and more money without achieving commensurate improvements in quality is simply wasteful and unsustainable.

Medicare is just one month shy of its fortieth anniversary—a tremendous milestone. It has positively affected the lives of millions of seniors and disabled citizens. We set a goal for ourselves forty years ago—to improve access to care. Providers and policymakers came together to make that goal a reality. It is time for a new goal, a new challenge—to ensure that Medicare beneficiaries and all Americans get the best possible care and that as a nation, we get the highest value for our health care dollars. The MVP Act of 2005 provides us with a road map to live up to that challenge. I urge my colleagues to join me and Senator BAUCUS in advancing this important legislation.

Mr. BAUCUS. Mr. President, I rise as a cosponsor of the ''Medicare Value Purchasing Act of 2005.''

This bill will establish a new program to link a portion of Medicare's reimbursement for health care services to the quality of that care. This bill takes a crucial step towards improving the value of our health care dollar as well as the safety and quality of our Nation's health care system.

Last week, I gave a statement in this Chamber about America's place in the world. I am proud of our Nation; I am proud of our enterprising spirit, our energy, our diversity, and the hope for a better future that is inherent to our roots. I am proud of this country, but I am disappointed in the state of our health care system and in the impact it is having on the lives of our fellow citizens, as well as on the economy and ultimately on our place in the world. As I look to the future, I see a stronger America, but I know we must work hard to make sure that vision is realized.

We hear about the problem of increasing health care costs nearly every day—in newspaper headlines and in casual conversations. Per capita spending on health care in America is nearly 2½ times the average in the industrialized world. We spend over $5,000 per person on health care, and premiums for employer-sponsored coverage are rising five times faster than inflation.

With all this money going into health care, one might assume we had the best health care in the world. But that assumption is wrong. Despite spending more per capita than any other developed nation, the World Health Organization ranks the United States 37th in health care quality. As many as 98,000 patients die each year as a result of medical errors, and research has shown that in some cases more care, more specialists, and more treatments, actually result in worse outcomes for the patient.

Costs are rising, we are not getting high-quality care for the dollars spent, and due to the nature of our health care system much of this burden is borne by employers. For the first time, the Big Three automakers are beginning to charge premiums and scale back benefits for their workers and retirees, because they can't afford the cost of health care. All told, GM estimates that they will spend about $6 billion in 2005 on health care. This translates into $1,525 for every vehicle they sell. That is more than the company spends on steel.

By comparison, Toyota's health care costs are about $1,000 less per vehicle. It is not surprising, therefore, that a recent survey of business leaders found that 65 percent of top Chief Financial Officers in the United States feel that it is very important for Congress to address the cost of health care. Their European and Asian counterparts did not cite the costs of health care among their top concerns.

No other industry tolerates the level of disrepair that can be found in the U.S. health care system today. Many of my colleagues in the Senate agree that in order to improve the system, we need to do more to control health costs through efficient purchasing and the use of health information technology. In other words, we need to create a ''culture of efficiency'' in health care.

How do we do that? First, we need to begin building a health information infrastructure that can reach providers and patients nationwide, from Manhattan, NY to Manhattan, MT. We must take aggressive steps to establish standards and policies around this infrastructure, and to make initial investments in hardware, software, and training. I applaud my colleagues Senator ENZI and Senator KENNEDY for introducing important legislation on this topic today, the ''Health Information Technology and Quality Improvement Act of 2005''.

Building a Health Information Infrastructure will facilitate the provision of high-quality care. But we also must begin rewarding quality in the way we pay for health care. Today, Medicare payment policies typically do not include mechanisms designed to encourage quality of care. Medicare does not distinguish between paying for care that is necessary and that which might be unnecessary or inappropriate.

As a result, I worked with Senator GRASSLEY to design a program that will tie a portion of Medicare reimbursement for hospitals, physicians, health plans, renal dialysis facilities, and home health agencies to the quality of care provided in these settings. Payment for these providers, as well as for Skilled Nursing Facilities, would also be linked to reporting data on

quality of care and, after the first year of the program, to making this data available to the public.

The Medicare Value-Based Purchasing program would begin paying for value in the health care system—good care, better patient outcomes, evidence-based medicine, and increased transparency. We have learned a lot from programs such as this that have begun on a smaller scale in the private sector, and we hope that taking this step forward in Medicare will drive the entire health care system toward a system of high-quality, high-value health care.

But designing a program like this one is not easy, and I want to be clear on this point: I don't believe Congress should determine how the quality of health care is measured. That is why my bill sets up a system of stakeholder involvement at every step in the development and implementation of a Quality Measurement System for Medicare—in determining what measures of health care quality are appropriate for each provider group, in implementing a system of data collection and analysis, and in updating the measurement system in accordance with changing science. Providers, payers, patients, and many other groups are the key experts who should be involved in the details of a health care quality system—not Congress.

But it is our job to lay out some of the parameters for the system, and to provide the Secretary of Health and Human Services with the authority to follow them and create this new program. It is also our job to oversee such a program once it is enacted and implemented. Over the last year or so, we have met with provider groups, consumer organizations, researchers and policy experts, and many of the individuals who have built and participated in private-sector programs to drive quality improvement in health care.

As I mentioned, our bill sets up a process by which a quality measurement system is developed in consultation with stakeholders and is uniquely tailored for the different groups of providers who participate in Medicare. This system should measure the quality of health care in a variety of ways, looking at processes of care, health information technology infrastructure, patient outcomes, patient experience of care, efficiency of resource use, and equity. For some groups of providers, only a very few measures of health care quality will be available when the program begins. These providers should not be penalized for that, but rather rewarded for reporting and improving the quality of the care they provide according to those measures. We may start small in some cases, but we can get the ball rolling.

The bill sets up a two-phase approach to quality improvement. In the first phase, the annual update to a provider's reimbursement is tied to reporting data on quality of care. This data would be on the measures included in the Medicare Quality Measurement System which has been developed by the Secretary with stakeholder involvement. Some providers—such as hospitals, Medicare Advantage Plans, and renal dialysis facilities, are already reporting data on quality of care to Medicare and might move more quickly to the second phase of the program.

In the second phase, those providers who report data on quality of care to the Secretary will be able to participate in value-based purchasing, where a portion of total payments to participants in each provider group is taken to form a quality pool. The funds in this pool are then reallocated to award providers who demonstrate high-quality care, or who show that they are improving. In theory, this sets up a system in which all providers could receive money back out of the pool—in essence it is a system that will ''raise all boats.'' Following the recommendation of the Medicare Payment Advisory Commission, the portion of payments tied to quality in this second phase will be 1 percent in the first year of the program for each provider group, and will increase to 2 percent over five years.

In addition to setting up this program, the ''Medicare Value Purchasing Act of 2005'' includes additional measures to facilitate quality improvement in the health care system, such as a provision to reduce the legal barriers to health IT adoption that are present in the Federal anti-kickback and Stark laws.

It also includes several studies to look more closely at the true costs of health care, and the benefits—both human and financial—that can be gained from improving quality. The information generated by these studies will be critical in moving forward with value-based purchasing, allowing us to more accurately predict the program-wide savings from efforts to improve quality. Given that the Medicare Part A Trust Fund faces insolvency in 2020—decades earlier than Social Security—identifying these savings will be critical to preserving access, to care for Medicare beneficiaries and adequate reimbursement for providers.

Senator GRASSLEY and I set out to write a bill that would address value-based purchasing, set up a system of measuring quality of care in Medicare, and encourage the adoption of health information technology. We set out to write a bill that, in concert with the bill introduced by Senators ENZI and KENNEDY would create a roadmap to a ''culture of efficiency'' in health care.

That means that our bill does not put new money on the table to reward health care quality, and it does not fix the problems that currently exist with the physician payment system or with reimbursement updates to renal dialysis facilities. But nor does it mean that we are blind to these issues. Indeed, I know that sustained cuts to the physician fee schedule, which will take effect if current law is not changed—are not sustainable.

I want to work with physicians and practitioners to find a sustainable solution to the problems with the physician fee schedule, and I want to work with the renal dialysis community to make sure that reimbursement is adequate so that facilities—especially those in underserved areas—can keep their doors open. But I also ask these providers to work with me to move Medicare in the right direction—ultimately, better quality and value means better health care, better coverage, and a stronger system for all.

Finally, I believe that quality improvement efforts should extend beyond Medicare, into the Medicaid and SCHIP programs, and into the private sector. Currently, programs at the State level have found ways to improve quality and find efficiencies through health information technology use in Medicaid. Our bill includes State government health program representatives in the process of developing the Quality Measurement System because we believe they have important perspective to share, and also because we believe that quality improvement policies are equally important for their programs. I look forward to working with Chairman GRASSLEY on a bill to address quality of care in the Medicaid and SCHIP programs later this year.

I want to thank my colleagues Chairman GRASSLEY, Chairman ENZI, and Senator KENNEDY, as well as their able health care staff, for their tireless work on this legislation. We feel passionately about this issue because it matters to all of us. We all want to ensure that the best care possible is provided. We know how hard health care providers work for their patients, and we believe they should be rewarded for that work. And we believe this issue should be advanced in the Congress as soon as possible.

As I said, I have a vision of a stronger America. I envision a health care system in which quality and value are rewarded, in which innovative health information technology is accessible to all, in which data systems that can exchange crucial patient information to save lives and prevent mistakes, and in which American companies are not at a competitive disadvantage in the world because of health care costs. I call on my colleagues to support the important steps toward that vision that will be taken under the pieces of this legislation introduced today.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Mr. FEINGOLD, Mrs. CLINTON, and Mr. SCHUMER).

S. 1357. A bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements,

sanitation requirements, and the performance standards; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Meat and Poultry Pathogen Reduction Act of 2005. This legislation, commonly known as Kevin's Law, is dedicated to the memory of 2-year-old Kevin Kowalcyk, who died in 2001 after eating a hamburger contaminated with E. coli O157:H7 bacteria. Passage of this bill is vital because on December 6, 2001, the 5th Circuit Court of Appeals upheld and expanded an earlier District Court decision that removes the Department of Agriculture's authority to enforce its Pathogen Performance Standard for Salmonella. The 5th Circuit's decision in Supreme Beef v. USDA seriously undermines the strong food safety improvements adopted by USDA in its 1996 Hazard Analysis Critical Control Point and Pathogen Reduction (HACCP) rule.

In 2003, there was another court case that calls into question USDA's authority to enforce basic sanitation standards. A company called Nebraska Beef sued USDA after the Department tried to shut down the plant for numerous sanitation violations. USDA settled the case because it feared losing yet again in court and having another vital piece of its authority struck down.

According to the 5th Circuit's opinion in the Supreme Beef case and the settlement in the Nebraska Beef case, today, there is nothing USDA could do to shut down a meat grinding plant that insists on using low-quality, potentially contaminated trimmings. These decisions seriously undermine the new meat and poultry inspection system.

The HACCP rule recognized that bacterial and viral pathogens were the foremost food safety threat in America, responsible for 5,000 deaths, 325,000 hospitalizations and 76 million illnesses each year according to the Centers for Disease Control and Prevention. To address the threat of foodborne illness, USDA developed a modern inspection system based on two fundamental principles.

The first was that industry has the primary responsibility to determine how to produce the safest products achievable. Industry had to examine their plants and determine how to control contamination at every step of the food production process, from the moment a product arrives at their door until the moment it leaves their plant.

The second, even more crucial, principle was that plants nationwide must reduce levels of dangerous pathogens in meat and poultry products. To ensure the new inspection system accomplished this, USDA developed Pathogen Performance Standards. These standards provide targets for reducing pathogens and require all USDA-inspected facilities to meet them. In theory, facilities failing to meet a standard are shut down until they create a corrective action plan to meet the standard.

So far, USDA has only issued one Pathogen Performance Standard, for Salmonella. The vast majority of plants in the U.S. have been able to meet the new standard, so it is clearly workable. In addition, USDA reports that Salmonella levels for meat and poultry products have fallen substantially. Therefore the Salmonella standard has been successful. The Supreme Beef and Nebraska Beef decisions threaten to destroy this success because they restrict USDA's ability to penalize meat and poultry plants that violate a pathogen standard.

The other major problem is we have an industry dead set on striking down USDA's authority to enforce meat and poultry pathogen standards. Ever since the original Supreme Beef decision, I have spent untold hours trying to find a compromise that will allow us to ensure we have enforceable, science-based standards for pathogens in meat and poultry products. I have introduced bills to address this issue and I have worked with industry leaders trying to reach a reasonable compromise.

However, despite repeated attempts to address industry concerns, industry has continually backtracked and moved the finish line. Many times, I have made changes in my legislation to address their ''pressing'' concern of the moment only to have them come back and say we hadn't gone far enough. We have to look out for the consumers of meat and poultry so our children, our families are not put at increased risk of getting ill or dying, because some in the industry want to backtrack on food safety.

I plan to seek every opportunity to get this language enacted. I think it is essential, both to ensuring the modernization of our food safety system, and ensuring consumers that we are making progress in reducing dangerous pathogens.

I hope that both houses of Congress will be able to act to pass this legislation without delay. The effectiveness of our meat and poultry inspection system and the public's confidence in it are at stake.

Mr. KOHL. Mr. President, I am pleased to join my colleagues in cosponsoring the Meat and Poultry Pathogen Reduction and Enforcement Act, also referred to as Kevin's Law. Foodborne disease is a very serious concern for American consumers. According to CDC estimates, 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths occur each year in the United States from foodborne diseases; sadly, the majority of these fatal incidents involve children.

Barbara Kowalcyk, a constituent of mine, has been a true pioneer in fighting to protect Americans from the harmful effects of food pathogens. Mother to 2½-year-old Kevin Kowalcyk, Barbara's dedication stems from personal tragedy. Barbara went through what no mother should have to go through; she watched in agony as the life faded out of her little boy. Kevin died from an *E. Coli* infection before he even had the chance to step foot into a kindergarten classroom.

Eager to ensure that no other parent suffers as she has, Barbara has become a thoughtful advocate for tougher food-safety laws. She has worked with me personally on the issue, and through her involvement with STOP, Safe Tables Our Priority. Barbara has been instrumental in educating policy makers about the threat of foodborne diseases such as *E. Coli* and *Salmonella*. Barbara's testimony in front of the Committee on Review of the Use of Scientific Criteria and Performance Standards for Safe Food at the National Academy of Sciences helped the NAS write its 2003 report Scientific Criteria to Ensure Safe Food. Barbara realizes that these diseases are preventable, that we have technology and understanding to improve the safety of America's meat and poultry, and it is high time that we do it.

Kevin's Law grants the USDA enforcement authority to enhance the regulatory structure for food safety. It includes key provisions that will allow the USDA to conduct scientific surveys to identify the foodborne pathogens that represent the largest threat to our public health and to set and update pathogen reduction standards to reduce the presence of these pathogens in meat and poultry. I applaud Senators SPECTER and HARKIN for their leadership on this issue, and I thank Barbara Kowalcyk for her commitment to keeping American consumers safe from dangerous food products.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 1358. A bill to protect scientific integrity in Federal research and policymaking; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I am pleased to introduce the Restore Scientific Integrity to Federal Research and Policymaking Act. I thank my House colleagues HENRY WAXMAN and BART GORDON, who introduced the original legislation in the House of Representatives. I also thank my colleague, Senator LAUTENBERG, who is an original co-sponsor of this legislation.

This bill prohibits censoring or tampering with government science and protects government scientists who blow the whistle on abuses.

Thousands of scientists—including 48 Nobel Laureates—have come forward to express their concerns that science has been manipulated or silenced by the Bush Administration.

We learned a few weeks ago, for example, that a White House lawyer with no scientific credentials had been revising government scientific reports on climate change to systematically weaken conclusions on global warming.

In May, the New York Times reported that the southwestern regional

director of the Fish and Wildlife Service instructed scientists on his staff to ignore the latest genetic data when determining protections for endangered species.

In 2002, a professor invited to join an NIH advisory committee was called and asked for his views on a number of political issues, including whether he supported abortion rights and whether he had voted for President Bush. The professor—who had not voted for President Bush—was not appointed to the committee.

These are disturbing examples of the intrusion of politics into science. We rely on science to give us objective facts, not political spin. The Restore Scientific Integrity Act will help protect science from political interference.

The Act prohibits Federal employees from obstructing or censoring federally funded scientific research and from disseminating scientific information known to be false or misleading.

The legislation prohibits the use of political litmus tests when appointing experts to serve on scientific advisory committees and strengthens protections against conflicts of interest.

The bill extends whistleblower protections to federal employees who report allegations of political interference with science.

The bill establishes that peer review processes should be established by science-based agencies, not by the Office of Management and Budget.

And, the legislation directs the White House Science Advisor to prepare annual reports on scientific integrity in the federal agencies.

These are common sense provisions that help protect government science from political interference. I ask my colleagues to join me in supporting this legislation.

By Mr. SESSIONS (for himself, Mr. CRAIG, Mr. INHOFE, and Mr. ISAKSON):

S. 1362. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Homeland Security Enhancement Act of 2005. I am pleased to be joined by Senator CRAIG and Senator INHOFE, who cosponsored an earlier version of the bill in the 108th Congress, and who are original sponsors of this year's legislation. Our bill takes the lead in encouraging a culture of cooperation among all levels of immigration law enforcement—Federal, State, and local—it seeks to build an immigration law enforcement system that is inclusive of all law enforcement officers, has adequate detention bedspace, uses unified databases for information sharing from one level of law enforcement to another, and has adequate detention bedspace.

These elements are a necessary foundation for any future comprehensive immigration reform and I am pleased that the need for this foundation was recently recognized by Senators KYL and CORNYN in the release of the enforcement principles of the immigration bill they are currently drafting. Changes in substantive immigration law are surely needed, but unless an effective enforcement mechanism is included, the new rules will also collapse under a rising tide of illegality.

More than 15 years of service as a U.S. Attorney in Alabama and then as Alabama's Attorney General—as well as my current role on the Immigration, Border Security, and Citizenship Subcommittee—have taught me that the involvement of State and local law enforcement will be a critical part of any new and successful immigration enforcement scheme. Establishing an effective partnership between the 700,000 State and local law enforcement officers who patrol our streets every day and the small number of Federal immigration officers will be a test of our Nation's will to establish an effective and enforceable legal scheme for immigration.

I care very deeply about the ability of State and local law enforcement to voluntarily aid the federal government in the enforcement of immigration law. As a result, I also care very deeply about tearing down barriers to that voluntary assistance. The need for this voluntary assistance has only grown stronger over the last year and a half, since I first introduced this legislation in the Senate. Over the course of that time we have heard about the need to reform our immigration laws to create a system that is as enforceable as it is generous and workable. Creation of an enforceable immigration system will undoubtedly require increased manpower, streamlined information sharing, and bedspace to hold those we apprehend.

This legislation targets all three of these essential enforcement components, and will go a long way toward fixing our broken immigration enforcement system—the system that is currently allowing people to remain in the U.S. for indefinite time periods, regardless of how they came here.

Let me be clear, this bill is not about the commandeering of State and local police forces or about forcing them to dedicate resources toward immigration law enforcement when they have other priorities, it is simply about welcoming their assistance in the realm of immigration law enforcement if they choose to give it.

We know that Americans strongly value our heritage as a Nation of immigrants. Americans openly welcome legal immigrants and new citizens with character, ability, decency, and a strong work ethic. However, it is also clear that Americans do not feel the same way about illegal immigration. The fact is that a large majority of Americans feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A RoperASW poll published in March of 2003 titled ''Americans Talk About Illegal Immigration'' found that 88 percent of Americans agree, and 68 percent ''strongly'' agree, that Congress should require state and local government agencies to notify the INS, now ICE, and their local law enforcement when they determine that a person is here illegally or has presented fraudulent documentation. Additionally, 85 percent of Americans agree, and 62 percent ''strongly'' agree that Congress should pass a law requiring State and local governments and law enforcement agencies, to apprehend and turn over to the INS illegal immigrants with whom they come in contact.

Those numbers speak volumes about the desires of the American population. It is important to note that these responses were collected in response to questions about requiring State and local immigration enforcement action. It is very likely that a poll on this bill, a bill that is about voluntary State and local action, would yield even stronger support.

America's strength is based on its commitment to the rule of law. Inscribed on the front of the Supreme Court Building just down the street are the words, ''Equal Justice Under Law.''

In the world of immigration laws, the current facade of enforcement that holds no real consequences for law breakers is both dangerous and irresponsible. If the only real consequence of coming to this country illegally is a social label, then our immigration laws are but a brightly painted sepulcher full of dead bones, for it is impossible to be a nation governed by the rule of law, if our laws have no real effect on the lives of the people they govern.

Our illegal alien population was at a record high two years ago and the numbers continue to climb. The lack of immigration enforcement in our country's interior has resulted in 8–12 million illegal aliens living in the U.S. with another estimated 800,000 illegal aliens joining them every year—that is on top of the more than 1 million that legally immigrate each year. These numbers make it easy for criminal aliens and absconders to disappear inside our borders.

Of the 8–10 million illegal aliens present today, the Department of Homeland Security has estimated that 450,000 are ''alien absconders''—people that have been issued final deportation orders but have not shown up for their hearings. An estimated 40,000 absconders join that number every year.

An estimated 86,000 of them are criminal illegal aliens—people convicted of crimes they committed in the U.S. who should have been deported, but have slipped through the cracks and are still here.

The next number is perhaps the most concerning—3,000 of the ''alien absconders'' within our borders are from one of the countries that the State Department has designated to be a ''state sponsor of terrorism.''

The number of illegal aliens outweighs the number of federal agents whose job it is to find them within our borders by 5,000 to 1. The enforcement arm of the old INS, now called The Bureau of Immigration and Customs Enforcement, ICE, has just over 2,000 interior agents inside the borders. Leaving the job of interior immigration enforcement solely to them will guarantee failure. If each interior agent investigated, arrested, prosecuted and deported an illegal alien every day, it would take almost 14 years to deport the current illegal alien population.

State and local police, a force 700,000 strong, are the eyes and ears of our communities. They are sworn to uphold the law. They police our streets and neighborhoods every day. Their role is absolutely critical to the success of our immigration system.

For that critical role to be effective, a few very important things need to happen: 1. State and local law enforcement officers need clear authority to voluntarily act; 2. the NCIC Immigration Violators File needs to contain all critical immigration information so that officers have quick roadside access to critical immigration information; 3. Federal immigration officials have to take custody of illegal aliens apprehended by State officers, they can not continue to ignore State and local requests for assistance; 4. the Institutional Removal Program has to be expanded so that all criminal aliens are detained after their State sentences until deportation, instead of being released back into the community just to be searched for by Federal officials at a later date; and 5. critically needed Federal bed space has to be given to DHS so that the practice of ''catch and release'' can be ended and effective removal can begin.

The Homeland Security Enhancement Act that Senator CRAIG, Senator INHOFE, and I are introducing today will do all of those things.

Let me tell you about a few of the problems in immigration enforcement that started my interest in this area and prompted me to author this bill, to push for the hearing on April 22 of 2004 in the Senate Judiciary Committee titled ''State and Local Authority to Enforce Immigration Law: Evaluating a Unified Approach for Stopping Terrorists'', and to author a law review article in the April 2005 issue of the Stanford Law and Policy Review titled ''The Growing Role for State and Local Law Enforcement in the Real of Immigration Law.''

A few years ago, police chiefs and sheriffs in Alabama began to tell me that they had been shut out of the immigration enforcement system and that they felt powerless to do anything about Alabama's growing illegal immigrant population.

As I went to town hall meetings and conferences with police, I heard the same story— ''When we come across illegal aliens in our normal course of duty, we have given up calling because the INS tells us we have to have 15 or more illegal aliens in custody or they will not even come pick them up.''

Even worse, Alabama police were routinely told that the aliens could not be detained until the INS could manage to send someone. They were told they had to just let them go! They were being told this, even though I believed that the legal authority of State and local officers to voluntarily act on violations of immigration law was pretty clear. If there is any doubt that State and local officers have this authority, Congress needs to remove that doubt which is exactly what this bill will do.

Only two U.S. Circuit Courts of Appeal have expressly ruled on State and local law enforcement authority to make an arrest on an immigration law violation. In 1983, the Ninth Circuit, while not mentioning a preexisting general authority, held that nothing in Federal law precludes the police form enforcing the criminal provisions of the Immigration and Naturalization Act. *Gonzales* v. *City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

The Tenth Circuit has reviewed this question on several occasions, concluding squarely that a ''state trooper has general investigatory authority to inquire into possible immigration violations.'' United States v. Salinas-Calderon, 728 F.2d 1298, 1301 n.3 (10th Cir. 1984). As the Tenth Circuit has described it, there is a ''preexisting general authority of state or local police officers to investigate and make arrests for violations of Federal law, including immigration laws.'' *United States* v. *Vasquez-Alvarez*, 176 F.3d 1294, 1295 (10th Cir. 1999).

Again, in 2001, the Tenth Circuit reiterated that ''state and local police officers [have] implicit authority within their respective jurisdictions 'to investigate and make arrests for violations of Federal law, including immigration laws.''' *United States* v. *Santana-Garcia*, 264 F.3d 1188, 1194 (citing *United States* v. *Vasquez-Alvarez*, 176 F.3d 1294, 1295).

None of these Tenth Circuit holdings drew any distinction between criminal violations of the INA and civil provisions of the INA that render an alien deportable. It appears that the Ninth Circuit started the confusion regarding the distinction between civil and criminal violations in Gonzales v. City of Peoria by asserting in dicta that the civil provisions of the INA are a persuasive regulatory scheme, and therefore only the Federal Government has the power to enforce civil violations. See *Gonzales* v. *City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

This confusion was, to some extent, fostered by an erroneous 1996 opinion of the Office of Legal Counsel, OLC of the Department of Justice, the relevant part of which has since been withdrawn by OLC.

Why was the Federal agency responsible for interior immigration enforcement telling my police chiefs in Alabama to let illegal aliens go free?

To be fair, ICE still does not have the manpower or detention space to take custody and detain all illegal aliens. With less than 20,000 appropriated detention beds, ICE tells us over and over again that they do not have the bed space to detain all the illegal aliens that they apprehend; instead, they are forced to give first priority to detaining the worst of the worst individuals such as convicted felon aliens.

It is shocking to me that even though we know that detention is a key element of effective removal, we do not even detain all illegal aliens that have been convicted of crimes for removal. Last February, in a report titled ''The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders'' the Department of Justice Inspector General found that 87 percent of those not detained before removal never get deported. Even in high risk categories, the IG found that only fractions of non-detained violators are ever removed— 35 percent of those with criminal records and 6 percent of those from ''state sponsors of terrorism.'' These percentages have not changed since 1996, when the last IG report issued on the ability to remove aliens found that 89 percent of aliens with final deportation orders that are not detained are never removed.

Just this month, during a joint hearing of the Judiciary Committee Immigration and Terrorism Subcommittees titled ''The Southern Border in Crisis: Resources and Strategies to Improve National Security'' we learned that in some jurisdictions such—as Harlingen Texas—'' no show'' rates for immigration hearings are as high as 98 percent. Those numbers speak for themselves about our efficiency in the realm of immigration enforcement. The American people deserve better, they deserve to know that our laws will be enforced instead of ignored without consequence.

But we can not lay all the blame on DHS—they can only detain illegal aliens that they have space to detain. We know that DHS is using all of the bed space that they have and that it is not enough they consistently tell us that they are releasing people that should be detained because there is no more room. The Homeland Security Enhancement Act would add critical bed space DHS needs to fulfill its mission of interior enforcement.

The third problem that was brought to my attention and motivated my desire to introduce this bill, is the inadequate way we share immigration information with State and local police. We have databases full of information on criminal aliens and aliens with final deportation orders, but that information is not directly available to State and local police. They have to make a special second inquiry to the immigration center in Vermont just to see if an illegal alien is a wanted by DHS.

The Hart Rhudman Report, ''America Still Unprepared—America Still In Danger,'' found that one problem America still confronts is ''700,000 local and State police officials continue to operate in a virtual intelligence vacuum, without access to terrorist

watchlists.'' The first recommendation of the report was to ''tap the eyes and ears of local and State law enforcement officers in preventing attacks.'' On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the U.S. and suggested that the burden could and should be shared with 700,000 local, county, and State law enforcement officers if they could be brought out of the information void.

Without easy access to immigration database information, and with ICE unwilling to come and identify every suspected illegal alien, State and local police can not quickly and accurately identify who they have detained and who they will be releasing back into the community if they follow ICE's instruction to ''just let them go.''

State and local police are accustomed to checking for criminal information in the NCIC, National Crime Information Center, database, which is maintained by the FBI. They can, and routinely do, access the NCIC on the roadside when they pull over a car or stop a suspect. An NCIC check, which takes just minutes, includes information about individuals with outstanding warrants. Even fugitives that use false identification can be identified on the roadside through use of the NCIC when, as is often the case, a police officer has access to an instant fingerprint scanner in his car.

Separate from the NCIC, ICE operates the Law Enforcement Support Center, which makes immigration information available to State and local police, but requires a second additional check after NCIC that most State and local police either don't know about or don't have the time to perform.

The ability of the NCIC to convey immigration information to State and local police is not being fully utilized. To date, the Immigration Violators File of the NCIC contains just over 150,000 entries and only 39,000 of those are alien absconders. This file should be greatly and rapidly expanded. At the very least, the NCIC should contain information on all illegal aliens who have received final orders of departure, all illegal aliens who have signed voluntary departure agreements, and all aliens who have had their visas revoked. In truth, the NCIC should contain information on all violations of immigration law.

If State and local police are not accessing the immigration information we have worked hard to make available, we must find a way to get the information to them, through systems they are used to using. Our bill will get information to them through the system they are already using—the NCIC.

Our bill will ensure that when an NCIC roadside check is done on an individual pulled over for speeding, police will know immediately if the individual has already been ordered to leave the country, has signed a legal document promising to leave, has overstayed their visa, or has had their visa revoked.

Understanding the value of getting immigration information to State and local police comes from understanding that they are the ones who will come into contact with the dangerous illegal aliens on a day-to-day basis.

Three 9/11 hijackers were stopped by State and local police in the weeks proceeding 9/11. Hijacker Mohammad Atta, believed to have piloted American Airlines Flight 77 into the World Trade Center's north tower, was stopped twice by police in Florida. Hijacker Ziad S. Jarrah was stopped for speeding by Maryland State Police two days before 9/11. And, Hani Hanjour, who was on the flight that crashed into the Pentagon, was stopped for speeding by police in Arlington, Virginia. Local police can be our most powerful tool in the war against terrorism.

The D.C. Snipers were caught because of the fingerprint collected by local police. John Lee Malvo was identified when the fingerprint collected from a magazine at the scene of the liquor store murder and robbery in Montgomery, Alabama matched with the fingerprints collected by INS agents in Washington State. Had both law enforcement entities not done their job by taking prints, it is possible that the identity of John Lee Malvo could have been a mystery for weeks longer.

In New York a 42-year-old woman sitting on a park bench with her boyfriend was dragged away and gang-raped by five deportable illegal immigrants. Although 4 of the 5 had State criminal convictions and 2 had served jail time, the INS claims they were never told about them—thus, they were not deported as the law requires.

56 illegal aliens were caught by State and local police, and convicted of molestation and child abuse, long before ICE's ''Operation Predator'' found them living in New York and Northern New Jersey long after they should have been deported. Of the 56 arrested, one had raped his 10-year-old niece; another had sexually assaulted a 6-year-old boy; one had raped his 7-year-old niece; and another had sexually assaulted a 2-year-old.

The 9/11 hijacker cases, the D.C. sniper cases, and a multitude of criminal alien cases clearly illustrate that our State and local police are the front lines of combating alien crime. To leave them out of the enforcement system, as we do now, eliminates our most effective weapon against criminal and terrorist aliens.

Many advocacy groups have vocally opposed the idea of State and local immigration law enforcement over the course of the last year. They would prefer that Congress not clarify this enforcement authority and that we leave State and local officers in the dark.

Such groups contend that if immigration enforcement functions are performed by anyone other than Federal law enforcement officials, at least three negative consequences will ensue. First, they argue that State and local law enforcement entities will be handed an unfunded mandate and will be forced to enforce immigration law violations against their will and at their expense. Second, they argue that immigrant communities, and the victims and witnesses that live within them, will abandon their trust of, and cooperative partnership with, State and local law enforcement. And third, they argue that State and local law enforcement officers will abuse their inherent enforcement authority to engage in racial profiling, harassment, and discrimination.

By making these claims, advocacy groups seek to maintain the ineffective status quo for enforcement by local officers and thwart the possibility of an effective enforcement partnership between the Federal Government and the States.

The assertions of these advocacy groups are more myth than reality. The first assertion is that the Federal Government is trying to burden State and local governments with an unfunded mandate. Every police and sheriff's department across the country must make choices every day regarding their enforcement priorities and resources. Certainly, their legal authority and law enforcement goals are not served by being shut out of immigration law enforcement. It is a curious argument to say that local police are helped by being denied their lawful powers to voluntarily aid Federal immigration authorities. They should not be forced to ignore laws being broken in their presence and in their communities.

The second myth that anti-local enforcement advocates would have policymakers believe is twofold: that a current cooperative partnership exists between local police and immigrant communities, and that immigration enforcement will cause immigrant victims and witnesses of crimes to abandon these cooperative partnerships. One advocacy group, the American Civil Liberties Union of New Jersey, argues: ''These combined measures will ensure that more immigrants will avoid contact with law enforcement, putting entire communities at risk. For instance, immigrant victims of crime will hesitate to report the crimes to the police if they fear adverse immigration consequences from their contact with the officials.'' Again, the argument fails because State and local police retain their independent power to make prosecution choices. They are not required to report illegal alien victims or witnesses to Federal authorities or to investigate crimes they do not want to investigate. To make sure that this is understood, the authors of this bill have agreed to add language clarifying that nothing in the bill requires State and local officers to report crime victims or witnesses to Federal immigration authorities.

Perhaps the most egregious assertion made by opponents of effective enforcement is the allegation that State and local law enforcement officers will use their inherent enforcement authority as a license to engage in racial profiling, harassment, and discrimination. Specifically, the National Council of La Raza strongly opposes State and local law enforcement participation because it claims such involvement is ''likely to result in increased racial profiling, police misconduct, and civil rights violations.'' This argument is curious because it would effectively grant more protection to non-citizens here illegally than to citizens, who are subject to arrest by State and Federal law enforcement officers for violations of Federal law. It is curious logic to say that we trust our police to enforce laws against citizens but not against non-citizens here illegally. State and local police are trained to protect the civil rights of all types of suspects and defendants and they do so every day in this country. In Alabama, State troopers receive annual training on racial profiling. In New York, the NYC Police Department Operations Order #11 strictly prohibits racial profiling in law enforcement actions. If Alabama and New York are consistent in how they instruct and train their State and local police with regards to racial profiling, it is safe to assume that the rest of the Nation is as well.

Under this bill, State and local police will have to respect the civil rights of illegal aliens the same way they respect the civil rights of all people against whom they enforce the law. State and local police will continue to be held responsible for violations of civil rights; this bill does not change that fact.

The opposition will say that this bill is expensive; that it costs too much. It is always expensive to enforce the law. I do not think this bill is overly expensive. We have made it as cost affordable as we can by electing to use resources already available to us—facilities closed down under the Defense Base Closure Realignment Act of 1990 and law enforcement officers across America already out on our streets doing their jobs. Law enforcement is not an area where it pays to pinch pennies. In immigration enforcement, it costs us too much not to enforce the law. It is time that Congress take responsibility for providing DHS with the resources they need to do the job we have given them.

When it comes to immigration enforcement in America, the rule of law is not prevailing. If we are serious about securing the homeland, we simply must get serious about immigration enforcement.

It is time to talk about the big picture—time to be honest about what it will really take to fix our broken immigration system. In most cases, we don't need tougher immigration laws, we just need to utilize our existing resources and use some new resources to enforce the laws we already have.

If State and local police are confused about their authority to enforce immigration laws, that authority needs to be clarified. This bill will do that. If State and local police cannot access immigration background information on individuals quickly enough, we should change that. This bill makes that information more accessible through expanding use of the NCIC. If DHS is not taking custody of illegal aliens being apprehended by State and local police, we need to make it possible for them to do so. This bill will address the practice of ''catching and releasing'' illegal aliens. If we do not have enough detention space to hold people that break the law, then we need more detention space. This bill gives DHS 50 percent more bedspace for immigration enforcement. If illegal aliens are being released back into the community after their prison sentences instead of being deported, we need to fix the system that releases them. This bill will extend the Institutional Removal Program to ensure that custody is transferred from the State prison to Federal officials at the end of the alien's prison sentence.

Once again I would like to thank Senator CRAIG and Senator INHOFE for joining with me to introduce this legislation, and I would like to thank Congressman NORWOOD for introducing companion legislation in the House.

It is imperative that we take critical steps toward regaining control of our borders and that we lay the enforcement foundation for necessary immigration reforms. This bill is a critical step in the right direction. I encourage my colleagues to study this bill and join us in working to pass the Homeland Security Enhancement Act of 2005.

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. 1362

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 ''Homeland Security Enhancement Act of 2005''.

SEC. 2. STATE DEFINED.

In this Act, the term ''State'' has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 3. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

SEC. 4. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION REGARDING ALIENS.

(a) VIOLATIONS OF FEDERAL LAW.—A statute, policy, or practice that prohibits a law enforcement officer of a State, or of a political subdivision of a State, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the law enforcement duties of the officer or from providing information to an official of the United States Government regarding the immigration status of an individual who is believed to be illegally present in the United States is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(b) PROVISION OF INFORMATION REGARDING APPREHENDED ILLEGAL ALIENS.—

(1) IN GENERAL.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), States and localities should provide to the Secretary of Homeland Security the information listed in subsection (c) on each alien apprehended or arrested in the jurisdiction of the State or locality who is believed to be in violation of an immigration law of the United States. Such information should be provided regardless of the reason for the apprehension or arrest of the alien.

(2) TIME LIMITATION.—Not later than 10 days after an alien described in paragraph (1) is apprehended, information requested to be provided under paragraph (1) should be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(c) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(1) The name of the alien.

(2) The address or place of residence of the alien.

(3) A physical description of the alien.

(4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the driver's license number issued to the alien and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(9) The fingerprints of the alien, if available or readily obtainable, including a full set of 10 rolled fingerprints if available or readily obtainable.

(d) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable costs, as determined by the Secretary of Homeland Security, incurred by that State or locality as a result of providing information required by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.—

(A) TECHNICAL AMENDMENT.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c) by striking ''Immigration and Naturalization Service'' and inserting ''Department of Homeland Security''; and

(ii) in the heading by striking ''**IMMIGRATION AND NATURALIZATION SERVICE**'' and inserting ''**DEPARTMENT OF HOMELAND SECURITY**''.

(B) CONFORMING AMENDMENT.—Section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546) is amended by striking the item related to section 642 and inserting the following:

''Sec. 642. Communication between government agencies and the Department of Homeland Security.''.

(2) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) IN GENERAL.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking ''Immigration and Naturalization Service'' and inserting ''Department of Homeland Security''; and

(ii) in the heading by striking ''**IMMIGRATION AND NATURALIZATION SERVICE**'' and inserting ''**DEPARTMENT OF HOMELAND SECURITY**''.

(B) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) is amended by striking the item related to section 434 and inserting the following:

''Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to provide the reimbursements required by subsection (d).

SEC. 5. CIVIL AND CRIMINAL PENALTIES AND FORFEITURE FOR ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) ALIENS UNLAWFULLY PRESENT.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 275 the following:

''CRIMINAL PENALTIES FOR UNLAWFUL PRESENCE IN THE UNITED STATES

''SEC. 275A. (a) IN GENERAL.—In addition to any other violation, an alien present in the United States in violation of this Act shall be guilty of a misdemeanor and shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both. The assets of any alien present in the United States in violation of this Act shall be subject to forfeiture under title 19, United States Code.

''(b) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of subsection (a) that the alien overstayed the time allotted under the alien's visa due to an exceptional and extremely unusual hardship or physical illness that prevented the alien from leaving the United States by the required date.''.

(b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL ENTRY.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) is amended by striking ''6 months,'' and inserting ''1 year,''.

SEC. 6. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement;

(C) any alien who has remained in the United States beyond the alien's authorized period of stay; and

(D) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The information described in paragraph (1) shall be provided to the National Crime Information Center, and the Center shall enter the information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(A) the alien received notice of a final order of removal;

(B) the alien has already been removed; or

(C) sufficient identifying information is available for the alien, such as a physical description of the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation, sufficient identifying information is available for the alien, or the alien has already been removed; and''.

(c) PERMISSION TO DEPART VOLUNTARILY.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (a)(2)(A), by striking ''120'' and inserting ''30''.

SEC. 7. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such alien from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Deputy Assistant Director of the Office of Detention and Removal Operations within the Bureau of Immigration and Customs Enforcement.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall, to the maximum extent practical, request the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 8. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

''TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY

''SEC. 240D. (a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

''(B) request that the relevant State or local law enforcement agency temporarily detain or transport the illegal alien to a location for transfer to Federal custody; and

''(2) shall designate at least one Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.''.

''(b) REIMBURSEMENT.—

''(1) IN GENERAL.—The Department of Homeland Security shall reimburse a State or a political subdivision of a State for all reasonable expenses, as determined by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be—

''(A) the product of—

''(i) the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; added to

''(B) the cost of transporting the criminal or illegal alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point.

''(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

''(d) REQUIREMENT FOR SCHEDULE.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

''(2) AUTHORITY FOR CONTRACTS.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement and detention officials to implement this subsection.

''(e) ILLEGAL ALIEN DEFINED.—For purposes of this section, the term 'illegal alien' means an alien who—

''(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

''(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

''(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

''(B) comply with the conditions of any such status;

''(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

''(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There is authorized to be appropriated $500,000,000 for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for fiscal year 2006 and each subsequent fiscal year.

SEC. 9. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) TRAINING MANUAL AND POCKET GUIDE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) AVAILABILITY.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) APPLICABILITY.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under this subsection.

(b) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, onsite training held at State or local police agencies or facilities, on-line training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) ON-LINE TRAINING.—The head of the Distributed Learning Program of the Federal Law Enforcement Training Center shall make training available for State and local law enforcement personnel via the Internet through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and is capable of having a portal in place within 30 days.

(3) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(c) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.

(d) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (2), by adding at the end the following: ''Such training shall not exceed 14 days or 80 hours, whichever is longer.''.

SEC. 10. IMMUNITY.

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law. The immunity provided in this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer's official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of that agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

SEC. 11. PLACES OF DETENTION FOR ALIENS DETAINED PENDING EXAMINATION OR DECISION ON REMOVAL.

(a) IN GENERAL.—Section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) is amended by adding at the end the following:

''(3) POLICY ON DETENTION IN STATE AND LOCAL DETENTION FACILITIES.—In carrying out paragraph (1), the Secretary of Homeland Security shall ensure that an alien arrested under section 287(a) is detained, pending the alien being taken for the examination described in that section, in a State or local prison, jail, detention center, or other comparable facility, if—

''(A) such a facility is the most suitably located Federal, State, or local facility available for such purpose under the circumstances;

''(B) an appropriate arrangement for such use of the facility can be made; and

''(C) such facility satisfies the standards for the housing, care, and security of persons held in custody of a United States marshal.''.

(b) DETENTION FACILITY SUITABILITY.—Notwithstanding any other provision of law, a facility described in section 241(g)(3)(C) of the Immigration and Nationality Act, as added by subsection (a), is adequate for detention of persons being held for immigration related violations.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

SEC. 12. INSTITUTIONAL REMOVAL PROGRAM.

(a) CONTINUATION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known on the date of the enactment of this Act as the Institutional Removal Program which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Institutional Removal Program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with Federal officials who carry out the Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to the Federal officials who carry out the Institutional Removal Program as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as videoconferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program available in remote locations. Mobile access to Federal databases of aliens, such as the IDENT database maintained by the Secretary of Homeland Security, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Institutional Removal Program—

(1) $40,000,000 for fiscal year 2007;

(2) $50,000,000 for fiscal year 2008;

(3) $60,000,000 for fiscal year 2009;

(4) $70,000,000 for fiscal year 2010;

(5) $80,000,000 for fiscal year 2011; and

(6) $80,000,000 for each fiscal year after fiscal year 2011.

SEC. 13. CONSTRUCTION.

Nothing in this Act may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes;

(2) arrest such victim or witness for a violation of the immigration laws of the United States; or

(3) enforce the immigration laws of the United States.

SEC. 14. SEVERABILITY.

If any provision of this Act, including any amendment made by this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, and Mr. KERRY):

S. 1363. A bill to amend the Internal Revenue Code of 1986 to prevent dividends received from corporations in tax havens from receiving a reduced tax rate; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am pleased to be joined by my two friends and Finance Committee colleagues, Senator JEFFORDS and Senator KERRY, in filing legislation to close a loophole in the 2003 tax cut bill. The Jobs and Growth Tax Relief and Reconciliation Act of 2003 provided for lower rates of taxation on dividend income. Formerly, taxpayers paid ordinary income rates on dividend income. Now, individuals who receive dividends are taxed at either a 15 percent for upper-income taxpayers, or a 5-percent rate for lower-income taxpayers. Further, in 2008, this lower rate becomes zero before the whole provision expires in 2009.

The demand for lower rates was premised on the claim that dividend income was subject to double taxation; that is, taxed once by the corporate entity and then again by the shareholder. Assuming that is the case, then if we are sure the corporate entity is not subject to tax, the dividend should not be afforded the special rate. In fact, we heard testimony today in the Taxation Subcommittee that corporations with little or no taxes at the entity level really receive an additional benefit from the dividend tax break.

Current law, however, allows dividends from ''qualified'' foreign corporations to benefit from these lower rates if the company is based in a U.S. possession, or based in a country with which the U.S. has a tax treaty, or has stock which is traded on a U.S. stock exchange. Senator JEFFORDS, Senator KERRY, and I have become concerned that the definition of qualifying foreign corporations is overly broad and may encompass companies in tax haven countries with little or no tax system. Providing this special benefit for such companies simply because its stock is traded on a U.S. exchange does not meet with the original intent of the legislative change. Our bill would shut down this loophole by modifying the ''stock exchange'' test to only allow this special rate for companies based in countries with a comprehensive income tax system. By doing this, we will address a current inequity between dividend-paying stocks and make sure that only stock of companies subject to tax at the corporate level enjoys this preferential rate.

With every tax bill we enact, it is important to review the provisions from time to time to make sure the law works as intended. Here, I believe we have found a significant and unintended loophole. Certainly, as we debate whether to extend, expand, or eliminate these preferential rates, we should also be open to improvements in the current law. I encourage my colleagues to join with us in working for such an improvement.

By Mr. REED:

S. 1364. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals, PRREP, Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood education providers, principals, and administrators.

As Congress turns to the reauthorization of the Higher Education Act, we must ensure that educators receive the training and support necessary to thrive in our Nation's early childhood programs, elementary schools, and secondary schools. Improving teacher quality is the single most effective measure we can take to increase student achievement.

With the passage of the No Child Left Behind Act we took an important step toward demanding that all of the Nation's children are taught by highly qualified teachers. To meet the law's definition, teachers are generally required to hold a bachelor's degree, be fully certified by a State, and to demonstrate content knowledge of the subjects they teach. The deadline is looming, and the States are struggling to get all of their teachers deemed highly qualified by the coming school year.

This struggle will not end at the initial deadline. Teacher turnover regularly drains schools of their most important resource, qualified educators. Higher standards for teacher credentials are essential, but at the same time make it even more challenging for schools to staff their classrooms. This is a critical moment for us to tackle persistent teacher attrition and to foment teacher retention. At the same time, we have an opportunity to support the development of educators so they not only have the credentials, but also the skills and training to be truly effective in the classroom. By strengthening the State, partnership, and recruitment grants in Title II of the Higher Education Act, my legislation will accomplish both of these important goals.

Teacher attrition undermines teacher quality and creates teacher shortages. According to the National Commission on Teaching and America's Future, one-third of beginning teachers leave the profession within 3 years, and nearly one-half leave within 5 years. In high poverty schools turnover rates are even worse—approximately one-third higher than the rate for all teachers. A recent study in New York found that teachers who leave are likely to have greater skills than those who stay.

The Preparing, Recruiting, and Retaining Education Professionals Act focuses recruitment activities where high teacher turnover and shortages exist, where students are having trouble meeting academic standards, or where there is great difficulty demonstrating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

Teachers consistently cite lack of administrative support as a primary reason for leaving a school and teaching altogether. My legislation would create a year-long clinical learning experience for prospective teachers, and establish a three-year residency program for new teachers that provides comprehensive induction. The legislation also includes provisions to develop managerial skills among principals so they can provide the most effective instructional leadership and classroom support for teachers during induction and beyond. Research consistently shows that induction programs reduce the number of teachers who leave their schools or the profession. Comprehensive induction programs can cut that number by half or more.

Furthermore, my legislation promotes professional development throughout a teacher's career and strengthens teacher preparation programs so that teachers will reach their maximum potential to positively affect student achievement. A focus on scientific knowledge of teaching skills and methods of student learning will equip teachers to understand and respond effectively to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs. The legislation also stresses the ability to integrate technology into the classroom, strategies to effectively use assessments to improve instructional practices and curriculum, and an understanding of how to communicate with and involve parents in their children's education.

My legislation further focuses on teaching skills and learning strategies by including in the partnership grants academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. It also ensures that States hold institutions of higher education and entities that provide alternative routes to State certification equally accountable for preparing highly qualified teachers and

highly competent early childhood education providers.

The State, partnership, and recruitment grants are currently funded at only $68 million a year—far too small of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of No Child Left Behind, but for real students in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these vital programs.

The PRREP Act is supported by a diverse array of education organizations, including the American Association of Colleges for Teacher Education, American Psychological Association, Council for Exceptional Children, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association for the Education of Young Children, National Council of Teachers of English, National Council of Teachers of Mathematics, and National PTA.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Higher Education Act.

Mr. President, 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. 1364

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 ''Preparing, Recruiting, and Retaining Education Professionals Act of 2005''.

SEC. 2. PURPOSES; DEFINITIONS.

Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

''SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

''(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

''(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

''(A) teachers who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

''(B) early childhood education providers who are highly competent;

''(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

''(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

''(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

''(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate with, work with, and involve parents in ways that improve student achievement.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 645A of that Act.

''(3) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) FACULTY.—

''(A) IN GENERAL.—The term 'faculty' means individuals in institutions of higher education who are responsible for preparing teachers.

''(B) INCLUSIONS.—The term 'faculty' includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

''(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

''(A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

''(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

''(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

''(B)(i) there is a high percentage of teachers who are not highly qualified; or

''(ii) there is a chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers.

''(6) HIGH-NEED SCHOOL.—The term 'high-need school' means an early childhood education program, public elementary school, or public secondary school—

''(A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

''(ii) that, in the case of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965; and

''(B) in which there exists—

''(i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers; and

''(ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

''(7) HIGHLY COMPETENT.—The term 'highly competent' when used with respect to an early childhood education provider means a provider—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(8) HIGHLY QUALIFIED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(B) SPECIAL EDUCATION TEACHERS.—When used with respect to a special education teacher, the term 'highly qualified' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act.

''(9) INDUCTION.—The term 'induction' means a formalized program designed to provide support for, improve the professional performance of, and promote the retention in the teaching field of, beginning teachers, and that—

''(A) shall include—

''(i) mentoring;

''(ii) structured collaboration time with teachers in the same department or field;

''(iii) structured meeting time with administrators; and

''(iv) professional development activities; and

''(B) may include—

''(i) reduced teaching loads;

''(ii) support of a teaching aide;

''(iii) orientation seminars; and

''(iv) regular evaluation of the teacher inductee, the mentors, and the overall formalized program.

''(10) MENTORING.—The term 'mentoring' means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

''(A) knowledge of the scientific research on, and assessment of, teaching and learning;

''(B) development of teaching skills and skills in evidence-based educational interventions;

''(C) development of classroom management skills;

''(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

''(E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

''(11) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(12) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(13) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(14) PROFESSIONAL DEVELOPMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(B) EARLY CHILDHOOD EDUCATION PROVIDERS.—The term 'professional development' when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of children from birth until entry into kindergarten.

''(15) TEACHING SKILLS.—The term 'teaching skills' means skills—

''(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

''(B) that require an understanding of the learning process itself, including an understanding of—

''(i) the use of teaching strategies specific to the subject matter;

''(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

''(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

''(iv) effective classroom management; and

''(v) effective ways to communicate with, work with, and involve parents in their children's education.''.

SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

''SEC. 202. STATE GRANTS.

''(a) IN GENERAL.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means—

''(A) a State educational agency; or

''(B) an entity or agency in the State responsible for teacher certification and preparation activities.

''(2) CONSULTATION.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

''(1) meets the requirements of this section and other relevant requirements for States under this title;

''(2) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

''(3) describes the eligible State's plan for continuing the activities carried out with the grant once Federal funding ceases;

''(4) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

''(5) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

''(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who have strong teaching skills and are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

''(A) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on scientific knowledge—

''(i) about the disciplines of teaching and learning, including effective ways to communicate with, work with, and involve parents in their children's education; and

''(ii) about understanding and responding effectively to students with special needs, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

''(B) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the effectiveness and impact of teacher preparation programs, including on student achievement;

''(C) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers;

''(D) collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State's teacher support system; and

''(E) developing methods and building capacity for teacher preparation programs to assess the retention rates of the programs' graduates and to use such information for continuous program improvement.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Ensuring the State's teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

''(3) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

''(A) programs at schools or departments of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

''(B) a selective means for admitting individuals into such programs;

''(C) providing intensive support, including induction, during the initial teaching experience;

''(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

''(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers—

''(i) have an understanding of evidence-based effective teaching practices;

''(ii) have knowledge of student learning methods; and

''(iii) possess strong teaching skills, including effective ways to communicate with, work with, and involve parents in their children's education.

''(4) STATE CERTIFICATION RECIPROCITY.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

''(5) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies, schools, and early childhood program providers are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, including activities described in subsections (d) and (e) of section 204.

''(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by ending the practice of social promotion.''.

SEC. 4. PARTNERSHIP GRANTS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

''SEC. 203. PARTNERSHIP GRANTS.

''(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIP.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school or department of arts and sciences within the partner institution under clause (i);

''(iii) a school or department of education within the partner institution under clause (i);

''(iv)(I) a department of psychology within the partner institution under clause (i);

''(II) a department of human development within the partner institution under clause (i); or

''(III) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i);

''(v) a high-need local educational agency; and

''(vi)(I) a high-need school served by the high-need local educational agency under clause (v); or

''(II) a consortium of schools of the high-need local educational agency under clause (v); and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including a community college), a public charter school, other public elementary school or secondary school, a combination or network of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 208(a) and the teacher preparation program of which demonstrates that—

''(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

''(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and—

''(i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and

''(ii) in the case of prospective early childhood education providers, to become highly competent.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement;

''(2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part, in accordance with the needs assessment required under paragraph (1);

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement;

''(C) the partnership's evaluation plan pursuant to section 206(b);

''(D) how faculty at the partner institution will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in the partnership;

''(E) how the partnership will enhance the instructional leadership and management skills of principals and provide effective support for principals, including new principals;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its educator support system;

''(4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f);

''(5) include, for the residency program described in subsection (d)(3)—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning;

''(B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty documented by professional development offered to staff and documented experience with university collaborations;

''(C) a description of how the residency program will design and implement an induction period to support all new teachers through the first 3 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and

''(D) a description of how faculty involved in the residency program will be able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release time and receiving workload credit for their participation; and

''(6) include an assurance that the partnership has mechanisms in place to measure and assess the effectiveness and impact of the activities to be undertaken, including on student achievement.

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to teachers, early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1):

''(1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating reliable evidence-based teaching methods into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include—

''(A) teacher preparation program curriculum changes that improve, and assess how well all new teachers develop, teaching skills;

''(B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers—

''(i) understand evidence-based teaching practices;

''(ii) have knowledge of student learning methods; and

''(iii) possess teaching skills that enable them to meet the learning needs of all students;

''(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction to diverse student populations, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

''(D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and

''(E) working with and involving parents in their children's education to improve the academic achievement of their children and in the teacher preparation program reform process.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall—

''(A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including—

''(i) clinical learning opportunities;

''(ii) field experiences; and

''(iii) supervised practice; and

''(B) be offered over the course of a program of preparation and coursework (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including mentoring in instructional skills, classroom management skills, collaboration skills, and strategies to effectively assess student progress and achievement, and substantially increasing closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, including preparation time and release time, for such interaction.

''(3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for such teachers' first 3 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality induction opportunities (including mentoring), provide opportunities for the dissemination of evidence-based research on educational practices, and provide for opportunities to engage in professional

development activities offered through professional associations of educators. Such program shall draw directly upon the expertise of teacher mentors, faculty, and researchers that involves their active support in providing a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

''(A) Knowledge of the scientific research on teaching and learning.

''(B) Development of skills in evidence-based educational interventions.

''(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology.

''(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

''(F) Application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council.

''(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood education providers, principals, administrators, and faculty that—

''(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

''(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

''(C) provides mentoring, team teaching, reduced class schedules, and intensive professional development;

''(D) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

''(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability; and

''(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

''(E) offers teachers, principals, and administrators training on how to effectively communicate with, work with, and involve parents in their children's education;

''(F) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices—

''(i) inform the research of faculty and other researchers; and

''(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

''(G) includes the rotation, for varying periods of time, of experienced teachers—

''(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

''(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

''(5) SUPPORT AND TRAINING FOR PARTICIPANTS.—Providing support and training for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors for prospective, new, and experienced teachers, based on such individuals' experience. Such support—

''(A) also may be provided to the preservice clinical experience participants, as appropriate; and

''(B) may include—

''(i) release time for such individual's participation;

''(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

''(iii) stipends.

''(6) LEADERSHIP AND MANAGERIAL SKILLS.—

''(A) IN GENERAL.—Developing and implementing proven mechanisms to provide principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

''(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

''(ii) teaching and assessment skills needed to support successful classroom teaching;

''(iii) an understanding of how students learn and develop in order to increase achievement for all students; and

''(iv) the skills to effectively involve parents.

''(B) MECHANISMS.—The mechanisms developed and implemented pursuant to subparagraph (A) may include any of the following:

''(i) Mentoring of new principals.

''(ii) Field-based experiences, supervised practica, or internship opportunities.

''(iii) Other activities to expand the knowledge base and practical skills of principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable).

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

''(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for developing skills in classroom management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(2) CURRICULUM PREPARATION.—Supporting preparation time for early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curricula, classroom experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

''(3) COMMUNICATION SKILLS.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers' communication skills with students, parents, colleagues, and other education professionals.

''(4) COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

''(5) TEACHER RECRUITMENT.—Activities described in subsections (d) and (e) of section 204.

''(6) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

''(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.''.

SEC. 5. RECRUITMENT GRANTS.

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

''SEC. 204. RECRUITMENT GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

''(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b) that has—

''(A) high teacher shortages or annual turnover rates; or

''(B) high teacher shortages or annual turnover rates of 20 percent or more in high-need local educational agencies; or

''(2) an eligible partnership described in section 203(b) that—

''(A) serves not less than 1 high-need local educational agency with high teacher shortages or annual turnover rates of 20 percent or more;

''(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

''(C) demonstrates great difficulty meeting the requirement that teachers be highly qualified.

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

''(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in

teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic areas served by the eligible applicant;

''(3) a description of the activities the eligible applicant will carry out with the grant; and

''(4) a description of the eligible applicant's plan for continuing the activities carried out with the grant once Federal funding ceases.

''(d) REQUIRED USES OF FUNDS.—An eligible applicant receiving a grant under this section shall use the grant funds—

''(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

''(C) for followup services (including induction opportunities, mentoring, and professional development activities) provided to former scholarship recipients during the recipients first 3 years of teaching; and

''(D) in the case where the eligible applicant also receives a grant under section 203, for support and training for mentor teachers who participate in the residency program; or

''(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

''(e) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

''(1) OUTREACH.—Conducting outreach and coordinating with urban and rural secondary schools to encourage students to pursue teaching as a career.

''(2) EARLY CHILDHOOD EDUCATION COMPENSATION.—For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of early childhood education providers who attain degrees in early childhood education.

''(3) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

''(f) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.''.

SEC. 6. ADMINISTRATIVE PROVISIONS.

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''ONE-TIME AWARDS;'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraph (2) and inserting the following:

''(2) COMPOSITION OF PANEL.—The peer review panel shall be composed of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under this part. A majority of the panel shall be composed of individuals who are not employees of the Federal Government.'';

(C) by inserting after paragraph (2) the following:

''(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants' proposals to improve the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

''(A) with respect to grants under section 202, give priority to eligible States that—

''(i) have initiatives to reform State program approval requirements for teacher preparation programs that are designed to ensure that current and future teachers are highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this information in such teachers' classroom instruction;

''(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

''(iii) involve the development of innovative efforts aimed at reducing the shortage of—

''(I) highly qualified teachers in high-poverty urban and rural areas; and

''(II) highly qualified teachers in fields with persistently high teacher shortages, including special education;

''(B) with respect to grants under section 203—

''(i) give priority to applications from eligible partnerships that involve broad participation within the community, including businesses; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change; and

''(C) with respect to grants under section 204, give priority to eligible applicants that have in place, or in progress, articulation agreements between 2- and 4-year public and private institutions of higher education and nonprofit providers of professional development with demonstrated experience in professional development activities.''; and

(D) by adding at the end the following:

''(5) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of peer review panel members who are not employees of the Federal Government.''; and

(3) by striking subsection (e) and inserting the following:

''(e) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title for such fiscal year, whichever amount is greater, to provide technical assistance to States and partnerships receiving grants under this part.''.

SEC. 7. ACCOUNTABILITY AND EVALUATION.

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions'';

(B) in paragraph (2), by striking '', including,'' and all that follows through the period and inserting ''as a highly qualified teacher.'';

(C) in paragraph (3)—

(i) by striking ''highly''; and

(ii) by striking the period at the end and inserting ''that meet the same standards and criteria of State certification or licensure programs.'';

(D) by striking paragraph (4) and inserting the following:

''(4) TEACHER AND PROVIDER QUALIFICATIONS.—

''(A) ELEMENTARY AND SECONDARY SCHOOL CLASSES.—Increasing the percentage of elementary school and secondary school classes taught by teachers—

''(i) who have strong teaching skills and are highly qualified;

''(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and child and adolescent development so the teachers understand and use evidence-based teaching skills to meet the learning needs of all students; or

''(iii) who have completed a residency program throughout their first 3 years of teaching that includes mentoring by faculty who are trained and compensated for their work with new teachers.

''(B) EARLY CHILDHOOD EDUCATION PROGRAMS.—Increasing the percentage of classrooms in early childhood education programs taught by providers who are highly competent.'';

(E) by striking paragraph (5) and inserting the following:

''(5) DECREASING SHORTAGES.—Decreasing shortages of—

''(A) qualified teachers and principals in poor urban and rural areas; and

''(B) qualified teachers in fields with persistently high teacher shortages, including special education.''; and

(F) by striking paragraph (6) and inserting the following:

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves—

''(i) the knowledge and skills of early childhood education providers;

''(ii) the knowledge of teachers in special education;

''(iii) the knowledge of general education teachers, principals, and administrators about special education content and instructional practices;

''(iv) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction;

''(v) the knowledge of subject matter or academic content areas—

''(I) in which the teachers are certified or licensed to teach; or

''(II) in which the teachers are working toward certification or licensure to teach; or

''(vi) the knowledge and skills to effectively communicate with, work with, and involve parents in their children's education;

''(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to teachers' teaching practice and to teachers' ongoing classroom assessment of students; and

''(C) provides enhanced instructional leadership and management skills for principals.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''for'' and inserting ''for teachers, early childhood education providers, or principals, as appropriate, according to the needs analysis required under section 203(c)(1), for''; and

(B) by striking paragraphs (1) through (6) and inserting the following:

''(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

''(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

''(3) increased teacher retention in the first 3 years of a teacher's career based, in part, on teacher retention data collected as described in section 203(c)(3)(H);

''(4) increased success in the pass rate for initial State certification or licensure of teachers;

''(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

''(6) increased percentage of early childhood education program classes taught by providers who are highly competent;

''(7) increased percentage of early childhood education programs and elementary school and secondary school classes taught by providers and teachers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

''(8) increased percentage of highly qualified special education teachers;

''(9) increased number of general education teachers trained in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

''(10) increased number of teachers trained in technology; and

''(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents.''; and

(3) in subsection (d)—

(A) by inserting '', with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section,'' after ''funded under this part''; and

(B) by striking ''Committee on Labor and Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions''.

SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking '', within 2 years'' and all that follows through ''the following'' and inserting '', on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner of the National Center for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following'';

(B) in paragraph (4)—

(i) by striking ''teaching candidates'' and inserting ''prospective teachers''; and

(ii) by striking ''candidate'' and inserting ''prospective teacher'';

(C) in paragraph (5)—

(i) by striking ''teaching candidates'' and inserting ''prospective teachers'';

(ii) by striking ''teacher candidate'' and inserting ''prospective teacher''; and

(iii) by striking ''candidate's'' and inserting ''teacher's'';

(D) in paragraph (7), by inserting ''how the State has ensured that the alternative certification routes meet the same State standards and criteria for teacher certification or licensure,'' after ''if any,'';

(E) in paragraph (8)—

(i) by striking ''teacher candidate'' and inserting ''prospective teacher''; and

(ii) by inserting ''(including the ability to provide instruction to diverse student populations (including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs) and the ability to effectively communicate with, work with, and involve parents in their children's education)'' after ''skills'';

(F) by adding at the end the following:

''(10) Information on the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children's education.'';

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking ''not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and'';

(B) by striking ''subsection (b)'' and inserting ''subsection (a)'';

(C) by striking ''Committee on Labor and Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions''; and

(D) by striking ''not later than 9 months after the date of enactment of the Higher Education Amendments of 1998'';

(5) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking ''(9) of subsection (b)'' and inserting ''(10) of subsection (a)''; and

(B) by striking ''and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter'' and inserting '', and made available annually''; and

(6) in subsection (e)(1), as redesignated by paragraph (2)—

(A) by striking ''not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report'' and inserting ''shall report annually''; and

(B) by striking ''methods established under subsection (a)'' and inserting ''reporting methods developed for teacher preparation programs''.

SEC. 9. STATE FUNCTIONS.

Section 208 of the Higher Education Act of 1965 (20 U.S.C. 1028) is amended—

(1) in subsection (a)—

(A) by striking '', not later than 2 years after the date of enactment of the Higher Education Amendments of 1998,'';

(B) by inserting ''and within entities providing alternative routes to teacher preparation'' after ''institutions of higher education'';

(C) by inserting ''and entities'' after ''low-performing institutions'';

(D) by inserting ''and entities'' after ''those institutions''; and

(E) by striking ''207(b)'' and inserting ''207(a)'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) TEACHER QUALITY PLAN.—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

''(1) details how such funds will ensure that all teachers are highly qualified; and

''(2) indicates whether each teacher preparation program in the State that has not been designated as low-performing under subsection (a) is of sufficient quality to meet all State standards and produce highly qualified teachers with the teaching skills needed to teach effectively in the schools of the State.'';

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking ''of Education''; and

(B) in paragraph (2), by striking ''of this Act''; and

(5) in subsection (d), as redesignated by paragraph (2), by striking ''subsection (b)(2)'' and inserting ''subsection (c)(2)''.

SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 210 as section 211; and

(2) by inserting after section 209 the following:

''SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

''(b) ELIGIBLE ENTITY.—In this section:

''(1) IN GENERAL.—The term 'eligible entity' means a consortium composed of institutions of higher education that—

''(A) award doctoral degrees in education; and

''(B) are partner institutions (as such term is defined in section 203).

''(2) INCLUSIONS.—The term 'eligible entity' may include the following:

''(A) Institutions of higher education that—

''(i) do not award doctoral degrees in education; and

''(ii) are partner institutions (as such term is defined in section 203).

''(B) Nonprofit entities with expertise in preparing highly qualified teachers.

''(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

''(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

''(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

''(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

''(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this

section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other administrators through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

''(1) RECRUITMENT.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with teachers and students in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement in school settings, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

''(2) PROFESSIONAL DEVELOPMENT CURRICULA.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to teacher preparation programs nationwide.

''(3) PROFESSIONAL DEVELOPMENT EXPERIENCES.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty to ensure that such faculty are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

''(4) DEVELOPMENT PROGRAMS.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965, as redesignated by section 10, is amended—

(1) by striking ''part $300,000,000 for fiscal year 1999'' and inserting ''part, other than section 210, $500,000,000 for fiscal year 2006'';

(2) by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (1), by striking ''45'' and inserting ''20'';

(4) in paragraph (2), by striking ''45'' and inserting ''60''; and

(5) in paragraph (3), by striking ''10'' and inserting ''20''.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, and Mr. SCHUMER):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm pleased to be joined by Senators SNOWE, KERRY, SMITH, and SCHUMER in re-introducing legislation we call the Public Good IRA Rollover Act to allow taxpayers to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charity. I think that the charitable IRA rollover approach in this legislation, which has received strong support from the charitable community, will encourage significant new giving.

As a Nation, we often look to a strong network of charities, large and small, to offer financial and other support to families and individuals who need help when government assistance is unavailable. That is why I think it's critically important for Congress to do everything we can to help encourage the work of worthy charities.

Unfortunately, Congress has tried but failed in the past several years to pass major legislation that would be helpful to the Nation's charities. This legislation has stalled, in part, because of the efforts of some in Congress to add controversial measures that undermine the bipartisan support needed to enact this kind of legislation into law.

One of the non-controversial tax incentives included in the Senate's version of that legislation is our measure that would permit individuals to make gifts to charities from their IRAs without adverse tax consequences. I have previously described on the Senate floor that charities are frequently asked by people about using their IRAs to make charitable donations. However, I'm told that many donors decide not to make a gift from their IRAs after they are told about the potential tax consequences under current law.

The Public Good IRA Rollover Act would eliminate this obstacle. Specifically, the bill we are introducing today would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70½ for direct gifts and age 59½ for life-income gifts. These changes to the Tax Code could put billions of additional dollars from a new source to work for the public good.

Tax-favored charitable IRA rollovers have previously garnered broad bipartisan support in both the House of Representatives and the U.S. Senate. In fact, the Senate-passed CARE Act in the last Congress included the provisions of our bill.

The Bush administration also supports charitable IRA rollovers. In his FY 2006 budget submission, President Bush has proposed, once again, to allow individuals to make certain tax-free charitable IRA distributions after age 65. While the President's charitable IRA proposal has merit, the Public Good IRA Rollover Act is superior in one important respect: By allowing tax-free life-income gifts from an IRA. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Life-income gifts are an important tool for charities to raise funds, and would receive a substantial boost if they could be made from IRAs. But life-income gifts are not part of the administration's proposal. Again, the Public Good IRA Rollover Act permits individuals to make tax-free life-income gifts at the age of 59½.

When the Senate Finance Committee crafts charitable giving tax incentive legislation in the 109th Congress, I hope they will adopt, once again, the IRA charitable rollover approach used in the Public Good IRA Rollover Act. The benefits of this approach are two-fold. First, the life-income gift provision in our bill would stimulate additional charitable giving. The evidence also suggests that people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death. Second, this approach comes at little or no extra cost to the government when compared to other major charitable IRA rollover proposals.

In closing, I urge my Senate colleagues to review and consider cosponsoring this bill. With your help, we can help enact into law tax-free IRA rollover provisions that a senior official from a major charity once said would be ''the single most important piece of legislation in the history of public charitable support in this country.''

By Mr. ALEXANDER (for himself, Mr. REID, Mr. DEWINE, and Mrs. CLINTON):

S. 1367. A bill to provide for recruiting, selecting, training, and supporting national teacher corps in underserved communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am joining with Senator REID, Senator DEWINE, and Senator CLINTON to introduce a bill to authorize funding for the Teach for America program. Teach for America, TFA, calls upon our Nation's most promising future leaders, recent college graduates of all backgrounds and academic majors, to spend two years teaching in schools in lower income areas, usually inner cities or rural communities. Our legislation authorizes up to $25 million so that the highly successful program, which began as a privately funded, nonprofit effort, can rapidly expand.

TFA was founded in 1990 by Wendy Kopp, a young woman who had just graduated from Princeton. It served just six communities in that first year. Today it serves 22, and hopes to keep growing. TFA raises more than 75 percent of its operating budget through non-Federal sources, primarily through philanthropic gifts in the communities it serves.

The results of this program have been notable, as reported in a study last year by Mathematica Policy Research, an independent research firm: ''Even though Teach for America teachers generally lack any formal teacher training beyond that provided by Teach for America, they produce higher student test scores than the other teachers in their schools—not just other novice teachers or uncertified teachers, but also veterans and certified teachers.''

Probably more exciting than the success of the program in teaching students is the impact it has had on its ''corps members.'' Teach for America

isn't just for education majors, it's primarily there to attract highly successful college graduates who wouldn't otherwise go into education. Of its 9,000 alumni, 60 percent are still involved in education today. The 2005 National Teacher of the Year, Jason Kamras, a teacher here in Washington, DC, who was honored in a Rose Garden ceremony by President Bush, is an alumnus of Teach for America. And my own education policy advisor is also an alumna of the program.

So, in addition to providing better education for students in poorer school systems, this program is creating a new cadre of highly talented and highly motivated individuals who now understand what it's like to teach in a classroom and who are dedicated to improving our education system. That's probably the greatest benefit of the program.

And that's why I'm glad to join the Senator from Nevada in introducing this legislation to provide Federal funding to help TFA expand to new communities and recruit even more corps members.

Teach for America is aiming to grow from 3,000 to 8,000 corps members, from 22 to 35 regional sites, and from 250,000 to 700,000 students by 2010. To reach these growth goals, the program must recruit more than 4,000 new teachers each year by 2010, and it must grow its total annual budget from $40 million today to $100 million by 2010.

The legislation that Senator REID and I offer today will not turn Teach for America into a Federal program, but it will supplement their privately raised funds to help TFA attain their worthy goals. The bill provides up to $25 million to that end. Interest by college graduates in TFA is very high—17,000 applied for the 2,100 teaching slots last year. Additional funding will allow more of those 17,000 to serve poorer children in classrooms across the country.

In the upcoming issue of U.S. News and World Report, there is an excellent article about Teach for America by David Gergen. I ask unanimous consent that the article be printed in the RECORD.

I hope other Senators will join with the Senator from Nevada and I in supporting this important legislation. Teach for America has helped more than 1 million students and is creating a highly talented pool of individuals to advance our education system into the next century. Providing Federal support to this non-profit program will help it expand not only to help more students, but also to create an even wider and stronger pool of talented individuals to advocate the best for our schools for decades to come.

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

[From the U.S. News & World Report, July 4, 2005]

A TEACHER SUCCESS STORY

(By David Gergen)

With tribal warfare spreading in politics, corporate chieftains heading to jail, the news media sinking, and casualties rising in Iraq, it's easy these days to be discouraged. No wonder over 60 percent of Americans think the country has swerved off track. But hold on. To lift your spirits, just spend a little time with leaders of the younger generation.

This spring on many college campuses, something absolutely remarkable happened: Talented young people lined up by the scores to teach lower-income kids in urban and rural public schools. In years past, investment banks like Goldman Sachs were the recruiting powerhouses at top campuses; this year, they were joined by Teach for America, a program that expresses the fresh idealism and social values of this new generation.

At Yale, no fewer than 12 percent of the graduating seniors—nearly 1 out of every 8—applied. At Dartmouth and Amherst, some 11 percent did; at Harvard and Princeton, 8 percent. Hundreds more signed up at Northwestern, Boston College, the University of Texas, and the University of California-Los Angeles. Altogether, over 17,000 seniors applied for 2,100 openings.

A few words of background: Sixteen years ago, Teach for America was merely an idea in a thesis by a Princeton senior, Wendy Kopp. She thought the country needed an organization modeled after the Peace Corps that would attract top college graduates into classrooms with poor kids. With thesis in hand, she bravely ventured out to raise money, find recruits, and find school superintendents who would hire them. Kopp experienced the bumps and detours of every new start-up, but a year later, she had 500 recruits.

This summer, the newest class of teachers will enroll in a five-week training institute to prepare them for the classroom. In the fall, they will report for work at some of the toughest public schools in America, classified by the federal government as ''high need.'' Some 95 percent of their students will be minorities. Each member of the program is committed to two years of teaching, paid by the local school systems at the same rate as other starting teachers; at the end of their service, they may qualify for a $9,500 scholarship for graduate study.

As you can imagine, skeptics have popped up all along the way: professors at schools of education scoffing that college graduates who haven't enrolled in formal teacher education will never succeed in the classroom; cynics who say that these are just a bunch of elitist kids punching their tickets to make it into law or business school who will then turn their backs on social reform. Well, the doubters just don't get this young generation.

A year ago, Mathematica Policy Research found that students of Teach for America recruits got better results in math and the same gains in reading as did those of other teachers, including veteran instructors. In math, the TFA students made a month more progress than other students. The results partly reflect the fact that 70 percent of Teach for America volunteers come from among the nation's most highly rated colleges, compared with fewer than 3 percent of other teachers; the results also reflect the passion that these volunteers bring to their work.

Dedicated to the cause. The 10,000 alumni of TFA have not turned their backs after their service, either. The organization says that nearly two thirds still work full time in education, most in low-income communities. TFA alum Jason Kamras, a math teacher in a Washington, D.C., public school, was just named national teacher of the year. Two other alumni, Mike Feinberg and David Levin, founded and now run what is probably the most successful set of charter schools in the country: the KIPP academies (Knowledge Is Power Program). Started in Houston and New York, the academies have become a network of 38 schools in low-income communities that demand extra studies by students, balance that with extracurricular activities like martial arts, music, chess, and sports, and—guess what?—have achieved the largest and quickest improvement in learning around the country. No fewer than 25 principals in KIPP schools are alumni of Teach for America.

What does all this mean? First, the nation owes a debt of gratitude to Wendy Kopp. She represents the emergence of a new breed of social entrepreneur, talented doers who are unleashing their generation's innovation and idealism to address long-standing social problems. Even as they struggle for the resources to turn their visions into reality, the success of Kopp and others shows that this has the makings of a social movement.

But it also shows that the rest of us need to wake up and see what we can do to help. It's time for the country to embrace the national service movement with serious money—not the cheap change we are putting today into AmeriCorps. It's time to scale up nonprofits so that when 17,000 kids volunteer, there are 17,000 openings. It's time, in short, to recognize the greatness that lies in the next generation.

Mr. REID. Mr. President, I am proud to join Senator ALEXANDER in introducing this legislation authorizing Teach for America to recruit, select, train, and support its national teacher corps in underserved communities.

This bill comes at a crucial time. Federal law now requires more from our teachers, yet we have dwindling resources to draw from.

Many local education agencies are finding themselves having to supplement their teacher corps.

Clark County, NV, is the fifth largest school district in the Nation—in the fastest growing State. As one can only imagine, the influx of new residents has an incredible impact on our public works, especially our schools.

Clark County's outgoing superintendent told me that the district spends close to $1 million annually for teacher recruitment efforts across the country.

Clark County School District has made great strides in its commitment to reversing the trend of sagging high school graduation rates and college attendance by hiring nearly 2,000 new teachers a year to fill its classrooms.

But, last year, the school district did something that several other urban and rural districts around the country did: they partnered with Teach for America in order to augment their qualified teaching staffs.

Founded by Wendy Kopp, who conceived the idea for the program in her senior thesis at Princeton, Teach for America recruits some of the Nation's best college graduates to become teachers in low-performing urban or rural school districts for 2 years.

From the 500 college graduates who began teaching in its inaugural year,

Teach for America has grown to more than 3,100 corps members teaching in 21 regions across the country.

Indeed, this highly selective program—in which only 2,000 out of 16,000 applicants were accepted in 2003—has a powerful impact on the communities in which it serves.

This legislation authorizes Teach for America to receive $25 million to execute several activities related to teacher readiness, recruitment, and placement. Reports are also required, citing the progress of the Teach for America corps members.

I would not be Senator if it had not been for a couple of dedicated teachers. One teacher was Ms. Dorothy Robinson. Ms. Robinson pulled me out of class one day and said, ''Harry, I've watched your progress and I really think you should go to college and become a lawyer.''

I said, ''OK,'' and went back to class.

That is why I have dedicated myself at the Federal level to ensure that Teach for America and Clark County have the resources they need to continue this partnership.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—EXPRESSING THE SENSE OF THE SENATE REGARDING REFORM OF THE UNITED NATIONS

Mr. SMITH (for himself and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 185

Whereas, on July 28, 1945, the Senate approved the resolution advising and consenting to the ratification of the Charter of the United Nations by a vote of 89 to 2;

Whereas recent events, including the United Nations oil-for-food scandal and sexual misconduct by United Nations peacekeepers, have led to declining public confidence in the United Nations;

Whereas there is broad international agreement that the United Nations must reform its existing policies, practices, and institutions in order to better manage the interests of its 191 members and address the current threats to international peace and security;

Whereas the future direction of the United Nations has recently been addressed in the report of the Secretary-General's High-level Panel on Threats, Challenges and Change, issued on December 2, 2004, the report of the Secretary-General entitled ''In Larger Freedom: Toward Development, Security and Human Rights for All'', issued on March 21, 2005, and the report of the congressionally mandated Task Force on the United Nations, convened by the United States Institute of Peace (USIP), entitled ''American Interests and UN Reform'', issued on June 15, 2005;

Whereas these reports call for comprehensive reform of the United Nations, including overhauling basic management practices and building a more transparent, accountable, efficient, and effective organization;

Whereas these reports highlight the deficiencies in the United Nations human rights bodies, in particular the practice of allowing countries that have violated human rights to sit on United Nations bodies that were established to monitor, promote, and enforce human rights;

Whereas these reports highlight many serious problems with the United Nations peacekeeping operations that need to be addressed while the peacekeepers are deployed in critical situations around the world;

Whereas these reports discuss the question of United Nations Security Council reform in an attempt to increase the effectiveness and credibility of the Security Council and to enhance its capacity and willingness to act in the face of threats;

Whereas the USIP Task Force emphasized the importance that any reform of the United Nations Security Council must enhance its effectiveness and not in any way detract from the Security Council's efficiency and ability to act in accordance with the Charter of the United Nations; and

Whereas the United Nations has an important role to play in providing a forum for countries to discuss issues and resolve differences and to address the pressing humanitarian issues and security threats of the day: Now, therefore, be it

Resolved, That the Senate—

(1) declares that a credible, effective, and reformed United Nations can play an important role in helping promote global peace and security;

(2) reaffirms that reform of the United Nations Security Council would necessitate a revision of the Charter of the United Nations, which would constitute a treaty revision requiring an affirmative vote in the Senate by a two-thirds majority;

(3) states that the United Nations and its subsidiary bodies and agencies must be reformed, refocused, and made more efficient, and must become more transparent and more accountable;

(4) declares that oversight of the United Nations must be improved, that the management systems and budgeting processes of the institution must be updated and modified, and that protections for whistleblowers employed by the United Nations must be implemented;

(5) states that the United Nations Human Rights Commission should be abolished and replaced by a United Nations Human Rights Council or other body composed of governments that are committed to upholding human rights;

(6) declares that the reforms described above must be implemented before the Senate will consider changes to the Charter of the United Nations that require the advice and consent of the Senate; and

(7) urges the Secretary of State—

(A) to provide the Senate the Secretary of State's recommendations for reform of the United Nations; and

(B) to consult fully and regularly with the Senate as deliberations on United Nations reform progress.

SENATE CONCURRENT RESOLUTION 43—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE

Mr. BOND submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 43

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a core member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner with the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military alliance between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of democracy, culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

SENATE CONCURRENT RESOLUTION 44—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO HONOR CONSTANTINO BRUMIDI ON THE 200TH ANNIVERSARY OF HIS BIRTH

Mrs. CLINTON (for herself, Mr. ENZI, Mr. KENNEDY, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 44

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on July 26, 2005, for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1077. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1078. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1079. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1080. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1081. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1082. Mr. ALLARD (for Mr. LOTT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

SA 1083. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1084. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra.

SA 1085. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr FEINGOLD, Mr. DORGAN, Mr. LEVIN, Mr. WYDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. REED, Mr. HARKIN, Mr. BIDEN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2419, supra.

SA 1086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1087. Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1088. Mr. DOMENICI (for Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN)) proposed an amendment to the bill H.R. 2419, supra.

SA 1089. Mr. DOMENICI (for Mr. LEVIN) proposed an amendment to the bill H.R. 2419, supra.

SA 1090. Mr. DOMENICI (for Ms. COLLINS) proposed an amendment to the bill H.R. 2419, supra.

SA 1091. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, supra.

SA 1092. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, supra.

SA 1093. Mr. DOMENICI (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2419, supra.

SA 1094. Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the bill H.R. 2419, supra.

SA 1095. Mr. DOMENICI proposed an amendment to the bill H.R. 2419, supra.

SA 1096. Mr. DOMENICI (for himself, Mr. REID, Mr. COCHRAN, and Mr. BYRD) proposed an amendment to the bill H.R. 2419, supra.

SA 1097. Mr. DOMENICI (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2419, supra.

SA 1098. Mr. DOMENICI (for Mr. GRAHAM) proposed an amendment to the bill H.R. 2419, supra.

TEXT OF AMENDMENTS

SA 1077. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 68 , line 1, after ''1706'', insert the following ''; of which not more than $14,000,000 shall be made available for the Water 2025 initiative; and of which $8,000,000 shall be made available for the Savage Rapids Dam, Oregon''.

SA 1078. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 22, before the period, insert the following: '': *Provided further,* That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than $200,000 to initiate, at full Federal expense, preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii''.

SA 1079. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 4, before the period at the end, insert '': *Provided further*, That the Chief of Engineers shall use $1,500,000 of the funds provided under this heading for the restoration of environmental quality for sea lamprey barrier construction in the Great Lakes''

SA 1080. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 13, strike the period at the end and insert the following: '', of which not less than $10,000,000 shall be for the activities of the Office of Citizenship described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).''.

SA 1081. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 12, before the period, insert the following: '': *Provided,* That the Secretary of Energy shall use not more than $20,000,000 of any unobligated funds made available under this heading to acquire privately held mineral rights (including rights to sand and gravel) within the boundaries of Rocky Flats (as defined in section 3173 of the Rocky Flats National Wildlife Refuge Act of 2001 (Public Law 10709107; 115 Stat. 1381; 16 U.S.C. 668dd note)), the possession of which by the United States is, as determined by the United States Fish and Wildlife Service, necessary or desirable for the operation or maintenance of the Rocky Flats National Wildlife Refuge established under section 3177 of that Act, and shall transfer those mineral rights to the Secretary of the Interior, in a manner consistent with that Act''.

SA 1082. Mr. ALLARD (for Mr. LOTT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 60, line 10, after ''expended'' insert ''and of which $800,000 shall be available to the Librarian of Congress to pay telecommunications costs for eligible readers to have interstate toll free access to electronic editions of periodicals and newspapers, disseminated in specialized audio and electronic text formats from a multi-State nonprofit source which obtains content from publishers for free distribution to blind and physically handicapped readers in a minimum of 20 States.''.

SA 1083. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 18 and 19, insert the following:

SEC. 1____. Of funds made available to carry out section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Chief of Engineers shall use $1,500,000 for sea

lamprey barrier construction in the Great Lakes.

SA 1084. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title __ , add the following:

SEC. _____. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary shall use not less than $15,000,000 to provide regular and early retirement benefits to workers at the Rocky Flats Environmental Technology Site.

SA 1085. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. LEVIN, Mr. WYDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. REED, Mr. HARKIN, Mr. BIDEN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.—None of the funds appropriated or otherwise made available by this Act may be used for any purpose related to the Robust Nuclear Earth Penetrator (RNEP).

(b) UTILIZATION OF AMOUNT FOR REDUCTION OF PUBLIC DEBT.—Of the amounts appropriated by this Act, an amount equal to the amount of funds covered by the prohibition in subsection (a) shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

SA 1086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, strike line 15 and insert the following: $1,858,230,000, to remain available until expended, of which no funds shall be provided for congressionally directed projects relating to energy supply and conservation.

SA 1087. Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At Page 80, after the provision for Clean Coal Technology, insert the following:

CLEAN CITIES PROGRAM

Funding for the Clean Cities program shall be maintained at no less than the current year level. Within the Clean Cities program, funding for work to expand E–85 fueling capacity should also be maintained at no less than the current year level.

SA 1088. Mr. DOMENICI (for Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At Page 80, after the provision for Clean Coal Technology, insert the following:

CLEAN CITIES PROGRAM

Funding for the Clean Cities program may be provided at no less than the current year level. Within the Clean Cities program, funding for work to expand E–85 fueling capacity may also be maintained at no less than the current year level.

SA 1089. Mr. DOMENICI (for Mr. LEVIN) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 66, between lines 18 and 19, insert the following:

SEC. 1____. Of funds made available to carry out section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Chief of Engineers may use $1,500,000 for sea lamprey barrier construction in the Great Lakes.

SA 1090. Mr. DOMENICI (for Ms. COLLINS) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. $150,000 may be provided for Saco River and Camp Ellis Beach, Maine, continuing authorities project.

SA 1091. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. $2,000,000 may be provided for maintenance dredging of the Narragaugus River, Milbridge, ME.

SA 1092. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. $100,000 may be provided for the Penobscot River Restoration Study, ME.

SA 1093. Mr. DOMENICI (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 68, line 22, before the period, insert the following: '': *Provided further*, That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than $200,000 to initiate preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii''.

SA 1094. Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 86, line 17; insert after ''expended'' the following:

: *Provided*, That $250,055,000 is appropriated for the Advanced Scientific Computing Research: *Provided further*, That $43,000,000 may be provided to the Center for Computational Sciences at Oak Ridge National Laboratory: *Provided further*, That $500,000 may be provided to the Medical University of South Carolina: *Provided further*, That $500,000 may be provided to the Community College of Southern Nevada Transportation Academy: *Provided further*, That $3,000,000 may be provided to South Dakota State University.

SA 1095. Mr. DOMENICI proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

In the Bill, strike everything after ''buses;'' on page 90, line 14, and replace with: $6,574,024,000 to remain available until expended: *Provided*, That the $65,564,000 is authorized to be appropriated for Project 01–D–108, Microsystems and Engineering Science Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, that $65,000,000 is authorized to be appropriated for Project 04–D–125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,729,066,000 to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and

other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $645,001,000, to remain available until expended.

On page 55, line 3, strike all after the colon to the end of the section and insert the following:

''in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study-Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.''.

On page 84 of the Bill, Line 18, strike ''$36,000,000'' and insert in lieu thereof ''$46,000,000''.

On page 105, line 3, insert the following:

SEC. ____. That the Committee directs the Government Accountability Office to undertake a study of the Office of Science Fusion Energy program in order to define the roles of the major domestic facilities, DIIID, Alcator C-Mod, and NSTX in the support of the International Thermoelectric Reactor program, including making recommendations that may include the possible shutdown or consolidation of operations or focus of these facilities to maximize their value to the International Thermoelectric Reactor program: Provided, That given the major international commitment to International Thermoelectric Reactor and the tokamak concept, the GAO shall consider any other magnetic fusion confinement system as a possible fusion demonstration facility that will follow International Thermoelectric Reactor and given the major National Nuclear Security Administration investment in the physics of Inertial Confinement Fusion, the GAO shall evaluate the opportunities for the Office of Science to develop the appropriate science and technology to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

SA 1096. Mr. DOMENICI (for himself, Mr. REID, Mr. COCHRAN, and Mr. BYRD) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 109 , between lines 2 and 3, insert the following:

SEC. 5_____. None of the funds made available by this or a prior Act shall be used to award a fully-funded continuing contract, in a case in which continuing contract authority is applicable, unless the Chief of Engineers certifies that—

(1) the contract can be awarded and completed in the same fiscal year;

(2) the contract can be completed shortly after the end of the fiscal year in which the contract was awarded, but only if the amount necessary to fully fund the contract is identified as surplus, or excess, to the program needs of that fiscal year; or

(3) future funding for the project is uncertain.

SA 1097. Mr. DOMENICI (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title __ , add the following:

SEC. _____. Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide no more than $10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

SA 1098. Mr. DOMENICI (for Mr. GRAHAM) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 105, between lines 2 and 3, insert the following:

SEC. 3_____. Notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, the Savannah River National Laboratory may be eligible for laboratory directed research and development funding.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. 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 Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 12, 2005 at 3 p.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 49, to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; S. 247, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, OR; S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, SD, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, NE; and S. 1338, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

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.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks of the Committee on Energy and Natural Resources has scheduled a hearing to review the National Park Service's business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations.

The hearing will be held on Thursday, July 14, 2005, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

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, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 14 at 10. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

R. Thomas Weimer, of Colorado, to be an Assistant Secretary of the Interior.

Mark A. Limbaugh, of Idaho, to be an Assistant Secretary of the Interior.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 12, at 10 a.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

David R. Hill, of Missouri, to be General Counsel of the Department of Energy.

James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 30, 2005, at 9:30 a.m., to receive testimony on the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 30, 2005 at 9:30 a.m. to hold a hearing on the Middle East.

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

COMMITTEE ON THE JUDICIARY

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 30, 2005, at 9:30 a.m., in SD–226. The agenda will be provided as soon as it becomes available.

I. Nominations: James B. Letten to be U.S. Attorney for the Eastern District of Louisiana; and Rod J. Rosenstein to be U.S. Attorney for the District of Maryland.

II. Bills: S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley; S. , Personal Data Privacy and Security Act of 2005, Specter, Leahy; S. 751, Notification of Risk to Personal Data Act, Feinstein; S. 1326, Notification of Risk to Personal Data Act, Sessions; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 103, Combat Meth Act of 2005, Talent, Feinstein, Kohl; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden; and S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn.

II. Matters: Senate Judiciary Committee Rules, Discussion of Subpoena for Asbestos.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 30, 2005 at 2:30 p.m. to hold a closed meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. HAGEL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, June 30, 2005 from 10 a.m. to 12 p.m. in Hart 216 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Thursday, June 30, 2005 at 3 p.m. in SD–430.

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

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on ''The Need for Comprehensive Immigration Reform: Securing the Cooperation of Participating Countries'' on Thursday June 30, 2005, at 2:30 p.m. in SD–226.

Witness List:

Panel I: The Honorable Andres Rozental, Former Mexican Ambassador at Large, President, Rozental & Associados, Mexico City, Mexico; and Roberta Clariond, Professor, Instituto Tecnologico Antonomo de Mexico (ITAM), Mexico City, Mexico.

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

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight be authorized to meet during the session on Thursday, June 30, 2005, at 2 p.m., to hear testimony on ''Encouraging Savings and Investment: Stay the Course or Change Direction?''

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

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION AND COMPETITIVENESS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Innovation, and Competitiveness be authorized to meet on Thursday, June 30, 2005, at 9:30 a.m. on Health Information Technology.

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

PRIVILEGE OF THE FLOOR

Mr. DAYTON. Mr. President, I ask unanimous consent that Tasha Byers, an intern in my office, be granted floor privileges for the duration of this debate on CAFTA.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Jane Siegel and Tiffany Gilbert of my staff be granted the privileges of the floor for the duration of today's session.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Kathryn Becker of the staff of Senator JEFFORDS be allowed the privilege of the floor during consideration of CAFTA.

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

Mr. REID. Mr. President, it is 10 o'clock at home, 1 o'clock here. I am confident some of the veterans are watching this. We are talking about the veterans who have served our country so well for so long going back to World War II, to people who have come home today.

We are talking about helping these men and women. We are talking about the need for the full amount of money. They always get shortchanged. What if we gave them the right amount of money? What if we gave them a little bit of extra money? Would it matter?

I am very disappointed we are not able to do what the Senate requested and voted for just a few hours ago, even hours ago, after the Appropriations Committee, one floor below this Chamber, agreed unanimously that we stick by our number.

As a result we have done that. Again, the veterans have been shortchanged. I am disappointed. I don't in any way question the motives of my distinguished friend from Idaho. I know he has the best interests of the veterans at heart. But I don't know if the veterans understand that. I hope we can resolve this issue quickly. The veterans deserve this.

Even though it is early Friday morning in the Eastern United States, it does not take away from the seriousness of what we are doing. The House made a very big mistake, I repeat, and again shortchanged American veterans.

Mr. FRIST. Mr. President, it is 1 o'clock in the morning. We have had a very productive month. It is time to wrap up. We will be in session tomorrow, as well, but no rollcall votes.

MEASURE PLACED ON THE CALENDAR—S. 1332

Mr. FRIST. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1332) to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

Mr. FRIST. In order to place the bill on the calendar under rule XIV I object to further proceedings.

The PRESIDING OFFICER. The objection is heard and the bill will be placed on the calendar.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent the Senate proceed to executive session; provided further that the Foreign Relations Committee be discharged from further consideration of the following nominations: Marie Yovanovitch, PN 566; John Beyrle, PN 569; Ronald Spogli, PN 606; Robert Tuttle, PN 607; provided further that the Agriculture Committee be discharged from further consideration of Reuben Jeffery III, PN 519 and PN 520; Walter Lukken, PN 534; provided further that the Senate proceed to their consideration and the following nominations on the calendar en bloc: No. 188, 190, 191, 194, 196 through 201 and all nominations on the Secretary's desk.

I further ask that the nominations be confirmed and the motions to reconsider laid upon the table and the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nominations considered and confirmed en block are as follows:

DEPARTMENT OF STATE

Marie L. Yovanovitch, of Connecticut, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

John Ross Beyrle, of Michigan, 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 Bulgaria.

Ronald Spojli, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic.

Robert H. Tuttle, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

COMMODITY FUTURES TRADING COMMISSION

Reuben Jeffery III, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2007.

Reuben Jeffery III, of the District of Columbia, to be Chairman of the Commodity Futures Trading Commission.

Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2010.

DEPARTMENT OF TRANSPORTATION

Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

COAST GUARD

Following named officer to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C. Section 53 in the grade indicated:

To be rear admiral

RADM Sally Brice-O'Hara, 0000

DEPARTMENT OF EDUCATION

Tom Luce, of Texas, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

DEPARTMENT OF DEFENSE

Daniel R. Stanley, of Kansas, to be an Assistant Secretary of Defense.

AIR FORCE

The following named officer for appointment as Chief of Staff of the Air Force, and for appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8033 and 601:

To be general

Gen. Teed M. Moseley, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. William N. McCasland, 0000

ARMY

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. Robert J. Kasulke, 0000

To be brigadier general

Col. Stanley L. K. Flemming, 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. Larry J. Studer, 0000

The following named officer for appointment as the Dean of the Academic Board, United States Military Academy and for appointment to the grade indicated under title 10, U.S.C., sections 624 and 4335:

To be brigadier general

Col. Patrick Finnegan, 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark A. Hugel, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN609 AIR FORCE nominations (58) beginning RONALD H. ALFORS, and ending DAVID R. ZARTMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN610 AIR FORCE nominations (11) beginning GREGORY H. BLAKE, and ending PAUL E. TURNQUIST, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN611 AIR FORCE nomination of Gary D. Davis, which was received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN612 AIR FORCE nominations (2) beginning JOHN A. CAVER, and ending THOMAS B. DUNHAM, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN613 AIR FORCE nominations (3) beginning GRETCHEN S. DUNKELBERGER, and ending JANET I. SESSUMS, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN614 AIR FORCE nominations (2) beginning WILLIAM F. EVANS, and ending LESLIE R. HYDER, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN615 AIR FORCE nominations (6) beginning WILBERT W. EDGERTON, and ending SUZANNE PETERS, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

ARMY

PN576 ARMY nominations (4) beginning Humberto Buitrago, and ending Phyllis Y. Spivey, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN577 ARMY nominations (2) beginning IRA I. KRONENBERG, and ending GARY P. MAUCK, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN578 ARMY nomination of Eric M. Radford, which was received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN579 ARMY nomination of Paul F. Russell, which was received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN581 ARMY nominations (3) beginning MARK W. BRUNS, and ending DONALD O. LAGACE, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN654 ARMY nomination of Kenneth D. Ortega, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN655 ARMY nomination of Charles H. Edwards, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN656 ARMY nomination of Slobodan Jazarevic, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN657 ARMY nomination of David M. Bartoszek, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

MARINE CORPS

PN619 MARINE CORPS nomination of Robert D. Dunston, which was received by the Senate and appeared in the Congressional Record of June 9, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN642 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (22) beginning Paul L. Schattgen, and ending David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2005.

NAVY

PN591 NAVY nomination of Jeffrey D. Weitz, which was received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN658 NAVY nomination of Ronald D. Tomlin, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN659 NAVY nominations (23) beginning RONNIE E. ARGILLANDER, and ending WILLIAM J. WILBURN, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of H. Con. Res. 198, the adjournment resolution, provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 198) was agreed to, as follows:

H. CON. RES. 198

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 30, 2005, or Friday, July 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, July 11, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 30, 2005, Friday, July 1, 2005, or Saturday, July 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 11, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR FRIDAY, JULY 1, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, July 1. 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 begin a period of morning business, with Senators permitted the speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, we will be in a period of morning business throughout the day. There will be, as I mentioned earlier, no rollcall votes tomorrow. Senators who wish to speak prior to the recess should come to the floor tomorrow morning. When we return from the recess, we will begin consideration of the Homeland Security appropriations bill. I will have more to say on the post-July Fourth recess schedule tomorrow, but I would inform all Senators that the next rollcall vote will occur on Monday, July 11.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 previous order.

There being no objection, the Senate, at 1:04 a.m., adjourned until Friday, July 1, 2005, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 2005:

SECURITIES AND EXCHANGE COMMISSION

CHRISTOPHER COX, OF CALIFORNIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2009, VICE HARVEY JEROME GOLDSCHMID, TERM EXPIRED.

DEPARTMENT OF STATE

MARK LANGDALE, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

JENDAYI ELIZABETH FRAZER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), VICE CONSTANCE BERRY NEWMAN.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN S. REDD, OF GEORGIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

DEPARTMENT OF JUSTICE

MICHAEL J. GARCIA, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JAMES B. COMEY.

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. RONALD L. BURGESS, JR., 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 30, 2005:

DEPARTMENT OF TRANSPORTATION

ASHOK G. KAVEESHWAR, OF MARYLAND, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

IN THE COAST GUARD

FOLLOWING NAMED OFFICER TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C. SECTION 53 IN THE GRADE INDICATED:

To be rear admiral

RADM SALLY BRICE-O'HARA

DEPARTMENT OF EDUCATION

TOM LUCE, OF TEXAS, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

DEPARTMENT OF DEFENSE

DANIEL R. STANLEY, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

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.

COMMODITY FUTURES TRADING COMMISSION

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2007.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

WALTER LUKKEN, OF INDIANA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2010.

DEPARTMENT OF STATE

MARIE L. YOVANOVITCH, OF CONNECTICUT, TO BE AMBASSADOR TO THE KYRGYZ REPUBLIC.

JOHN ROSS BEYRLE, OF MICHIGAN, TO BE AMBASSADOR TO THE REPUBLIC OF BULGARIA.

RONALD SPOGLI, OF CALIFORNIA, TO BE AMBASSADOR TO THE ITALIAN REPUBLIC.

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE AIR FORCE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

To be general

GEN. TEED M. MOSELEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WILLIAM N. MCCASLAND

IN THE ARMY

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. ROBERT J. KASULKE

To be brigadier general

COL. STANLEY L. K. FLEMMING

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. LARRY J. STUDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 4335:

To be brigadier general

COL. PATRICK FINNEGAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK A. HUGEL

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH RONALD H. ALFORS AND ENDING WITH DAVID R. ZARTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH GREGORY H. BLAKE AND ENDING WITH PAUL E. TURNQUIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATION OF GARY D. DAVIS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN A. CAVER AND ENDING WITH THOMAS B. DUNHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH GRETCHEN S. DUNKELBERGER AND ENDING WITH JANET I. SESSUMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM F. EVANS AND ENDING WITH LESLIE R. HYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH WILBERT W. EDGERTON AND ENDING WITH SUZANNE PETERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH HUMBERTO BUITRAGO AND ENDING WITH PHYLLIS Y. SPIVEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATIONS BEGINNING WITH IRA I. KRONENBERG AND ENDING WITH GARY P. MAUCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATION OF ERIC M. RADFORD TO BE COLONEL.

ARMY NOMINATION OF PAUL F. RUSSELL TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK W. BRUNS AND ENDING WITH DONALD O. LAGACE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATION OF KENNETH D. ORTEGA TO BE COLONEL.

ARMY NOMINATION OF CHARLES H. EDWARDS TO BE COLONEL.

ARMY NOMINATION OF SLOBODAN JAZAREVIC TO BE COLONEL.

ARMY NOMINATION OF DAVID M. BARTOSZEK TO BE COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ROBERT D. DUNSTON TO BE MAJOR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH PAUL L. SCHATTGEN AND ENDING WITH DAVID J. ZEZULA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2005.

IN THE NAVY

NAVY NOMINATION OF JEFFREY D. WEITZ TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF RONALD D. TOMLIN TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RONNIE E. ARGILLANDER AND ENDING WITH WILLIAM J. WILBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2005.

NOMINATION WITHDRAWN

Executive Message transmitted by the President to the Senate on June 29, 2005 withdrawing from further Senate consideration the following nomination:

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.