

this issue. He is a strong defender of the small, entrepreneurial companies in this industry. We worked together before committee consideration of this bill to address his concerns about the impact of user fees on the innovative companies in his home State of Utah. I welcome his support and cosponsorship of the Senate bill.

Of course, I want to thank our staff for laboring so diligently to find a workable, reasonable compromise and doing so under difficult time constraints. In particular, I want to thank Jennifer Hansen, Abby Kral, Ellen-Marie Whelan, Ben Berwick, Anne Grady, Patricia Knight, and Patricia DeLoatche. I also want to thank my committee staff Amy Muhlberg and Stephen Northrup.

Finally, I must express my deep appreciation and thanks to the ranking member, Senator KENNEDY, and his staff, David Bowen and David Dorsey, for their hard work and support during this process. We have produced a fair deal, and I urge my colleagues to lend it their strong support.

Mr. MCCONNELL. 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. 3423) was read the third time and passed.

#### FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH IMPROVEMENT ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 302.

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

The assistant legislative clerk read as follows:

A bill (S. 302) to make improvements in the Foundation for the National Institutes of Health.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 302

*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 "Foundation for the National Institutes of Health Improvement Act".]

#### SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

[Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

“(i) Upon the appointment of the appointed members of the Board under clause

(i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.”; and

(ii) in subparagraph (G), by inserting “appointed” after “that the number of”;

(B) by amending paragraph (3)(B) to read as follows:

“(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.”; and

(C) in paragraph (5), by inserting “appointed” after “majority of the”;

(2) in subsection (j)—

(A) in paragraph (2), by striking “(d)(2)(B)(i)(II)” and inserting “(d)(6)”;

(B) in paragraph (10), by striking “of Health.” and inserting “of Health and the National Institutes of Health may accept transfers of funds from the Foundation.”; and

(3) by striking subsection (1) and inserting the following:

“(1) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than \$500,000 to the Foundation.”.]

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Foundation for the National Institutes of Health Improvement Act”.*

#### SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

*Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—*

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

“(i) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.”; and

(ii) in subparagraph (G), by inserting “appointed” after “that the number of”;

(B) by amending paragraph (3)(B) to read as follows:

“(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.”; and

(C) in paragraph (5), by inserting “appointed” after “majority of the”;

(2) in subsection (j)—

(A) in paragraph (2), by striking “(d)(2)(B)(i)(II)” and inserting “(d)(6)”;

(B) in paragraph (4)—

(i) in subparagraph (A), by inserting “, including an accounting of the use of amounts transferred under subsection (1)” before the period at the end; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

“(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge that shall not exceed the cost of providing the copy; and

“(ii) to the appropriate committees of Congress.”; and

(C) in paragraph (10), by striking “of Health.” and inserting “of Health and the National Institutes of Health may accept transfers of funds from the Foundation.”; and

(3) by striking subsection (1) and inserting the following:

“(1) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than \$500,000 and not more than \$1,250,000 to the Foundation.”.

Mr. KENNEDY. Mr. President, I strongly support the Foundation for the National Institutes of Health Improvement Act.

The bill makes several improvements in the 1990 law that established the Foundation. Most significantly, it assures the Foundation at least \$500,000 annually from the NIH to support its administrative and operating expenses. The annual allocation is capped at \$1.25 million. These funds will enable the Foundation to use its own resources for the actual support of projects to strengthen NIH programs, rather than raise money for its own expenses. As the bill makes clear, the NIH Director and the Commissioner of Food and Drugs are ex officio members of the Foundation's board of directors.

Congress established the Foundation in 1990 to raise private funds to support the research of the NIH. The Foundation has been a remarkable success. For every dollar the Foundation received from the NIH in 2003, it raised \$426 in private funds. Since its creation, it has raised \$270 million, or \$68 in private support for every dollar from the NIH.

The Foundation is currently managing 37 programs supported by \$270 million generated from private contributions. As one important example, the Edmond J. Safra Family Lodge on the NIH campus gives families of patients receiving in-patient treatment at the NIH Clinical Center a place to stay, at no cost to them.

In addition, the Foundation has formed partnerships with the NIH to develop new cancer treatments, to identify biochemical signs of osteoarthritis and Alzheimer's Disease, and to build on the promise of genomics. Through a public-private partnership, the Foundation has helped accelerate the sequencing of the mouse genome. It is also collecting private funds to study drugs in children. In 2003, Bill Gates announced a gift to the Foundation of \$200 million over the next 10 years to support research on global health priorities. Clearly, the Foundation's partnership with the NIH will grow productively in the coming years.

I urge my Senate colleagues to support this legislation, which will enable the Foundation to continue its effective support of the work and mission of the NIH.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that

any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 302), as amended, was read the third time and passed.

#### PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 140, S. 655.

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

The assistant legislative clerk read as follows:

A bill (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 655

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

#### SECTION 1. NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION; ACCEPTANCE OF VOLUNTARY SERVICES; FEDERAL FUNDING.

[(a) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES; STRIKING TWO-YEAR LIMIT PER INDIVIDUAL.—Section 399G(h)(2)(A) of the Public Health Service Act (42 U.S.C. 280e-11(h)(2)(A)) is amended by striking the second sentence and inserting the following: “In the case of an individual, such Director may accept the services provided under the preceding sentence by the individual until such time as the private funding for such individual ends.”.]

[(b) FEDERAL FUNDING.—Section 399G(i) of the Public Health Service Act (42 U.S.C. 280e-11(i)) is amended—

[(1) in paragraph (2)—

[(A) in subparagraph (A), by striking “\$500,000”, and inserting “\$1,500,000”; and

[(B) in subparagraph (B), by striking “not more than \$500,000” and inserting “not less than \$500,000, and not more than \$1,500,000”; and

[(2) by adding at the end the following:

“(4) SUPPORT SERVICES.—The Director of the Centers for Disease Control and Prevention may provide facilities, utilities, and support services to the Foundation if it is determined by the Director to be advantageous to the programs of such Centers.”.]

#### SECTION 1. NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION; ACCEPTANCE OF VOLUNTARY SERVICES; FEDERAL FUNDING.

(a) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES; STRIKING TWO-YEAR LIMIT PER INDIVIDUAL.—Section 399G(h)(2)(A) of the Public Health Service Act (42 U.S.C. 280e-11(h)(2)(A)) is amended by striking the second sentence and inserting the following: “In the case of an individual, such Director may accept the services provided under the preceding sentence by the individual until such time as the private funding for such individual ends.”.

(b) REPORTS.—Section 399G(h)(7) of the Public Health Service Act (42 U.S.C. 280e-11(h)(7)) is amended—

(1) in subparagraph (A), by inserting “, including an accounting of the use of amounts provided for under subsection (i)” before the period; and

(2) by striking subparagraph (C) and inserting the following:

“(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

“(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge not to exceed the cost of providing the copy; and

“(ii) to the appropriate committees of Congress.”.

(c) FEDERAL FUNDING.—Section 399G(i) of the Public Health Service Act (42 U.S.C. 280e-11(i)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “\$500,000”, and inserting “\$1,250,000”; and

(B) in subparagraph (B), by striking “not more than \$500,000” and inserting “not less than \$500,000, and not more than \$1,250,000”; and

(2) by adding at the end the following:

“(4) SUPPORT SERVICES.—The Director of the Centers for Disease Control and Prevention may provide facilities, utilities, and support services to the Foundation if it is determined by the Director to be advantageous to the programs of such Centers.”.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read the 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.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 655), as amended, was read the third time and passed.

#### AUTHORIZING THE CONVEYANCE OF CERTAIN FEDERAL LAND IN NEW MEXICO

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 447 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 447) to authorize the conveyance of certain Federal land in the State of New Mexico.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that 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 (S. 447) was read the third time and passed, as follows:

S. 447

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Jornada Experimental Range Transfer Act of 2005”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term “Board” means the Chihuahuan Desert Nature Park Board.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

#### SEC. 3. CONVEYANCE OF LAND TO CHIHUAHUAN DESERT NATURE PARK BOARD.

(a) CONVEYANCE.—The Secretary may convey to the Board, by quitclaim deed, for no consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) consists of not more than 1000 acres of land selected by the Secretary—

(1) that is located in the Jornada Experimental Range in the State of New Mexico; and

(2) that is subject to an easement granted by the Agricultural Research Service to the Board.

(c) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the condition that the Board pay—

(A) the cost of any surveys of the land; and

(B) any other costs relating to the conveyance;

(2) any rights-of-way to the land reserved by the Secretary;

(3) a covenant or restriction in the deed to the land described in subsection (b) requiring that—

(A) the land may be used only for educational purposes;

(B) if the land is no longer used for the purposes described in subparagraph (A), the land shall, at the discretion of the Secretary, revert to the United States; and

(C) if the land is determined by the Secretary to be environmentally contaminated under subsection (d)(2)(A), the Board shall remediate the contamination; and

(4) any other terms and conditions that the Secretary determines to be appropriate.

(d) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (c)(3)(A)—

(1) the land shall, at the discretion of the Secretary, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States, the Secretary shall—

(A) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(B) if the Secretary determines that the land is environmentally contaminated, the Board or any other person responsible for the contamination shall remediate the contamination.

#### PERMITTING WOMEN'S BUSINESS CENTERS TO RE-COMPETE FOR SUSTAINABILITY GRANTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1517, which was introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 1517) to permit Women's Business Centers to re-compete for sustainability grants.

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