

On page 4, line 5, strike "5" and insert "7.5".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4588), as amended, was read the third time and passed.

#### CLARIFYING CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4092, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 4092) to clarify certain land use in Jefferson County, Colorado.

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 (S. 4092) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4092

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

#### SECTION 1. CLARIFICATION OF CERTAIN LAND USE IN JEFFERSON COUNTY, COLORADO.

Notwithstanding any applicable State or local land use or condemnation laws or regulations, and subject to all applicable Federal laws and regulations, any person that holds an approved Federal Communications Commission permit to construct or install either a digital television broadcast station antenna or tower, or both, located on Lookout Mountain in Jefferson County in the State of Colorado, may, at such location, construct, install, use, modify, replace, repair, or consolidate such antenna or tower, or both, and all accompanying facilities and services associated with such digital television broadcasts, if such antenna or tower is of the same height or lower than the tallest existing analog broadcast antenna or tower at such location.

#### AMENDING THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4093, introduced earlier today by Senator HARKIN.

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

The legislative clerk read as follows:

A bill (S. 4093) to amend the Farm Security and Rural Investment Act of 2002 to extend a suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

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

Mr. HARKIN. Mr. President, today I introduced along with several colleagues legislation that will extend the current waiver of the 15-year term limit on USDA guaranteed loans which will expire on December 31, 2006. Starting January 1, 2007, many producers nationwide will become ineligible for Farm Service Agency, FSA, guaranteed loans. These loan guarantees enable producers to obtain credit to purchase farmland, livestock, feed, seed, farm equipment, and fuel essential to their farming operations. Without the Government guarantee many farmers will be unable to secure operating credit and will be forced out of their livelihood.

The FSA guarantee loan allows lenders to make agricultural credit available to farmers who may not meet the lenders' normal underwriting criteria. Borrowers apply for a guaranteed loan through an agricultural lender who then secures a guarantee from FSA. The guarantee covers up to 95 percent of the loss to the lender of principal and interest on a loan in case of default. Admirably, default rates on these loans are very low at 1.4 percent.

While the 15-year limit on eligibility is intended to graduate producers to commercial credit, we have found that in many cases producers simply are unable to meet lenders' standards without the guarantee. Term limits on guaranteed loans do not adequately take into consideration economic and weather conditions. In recent years, many of America's producers have suffered through high energy costs, droughts and hurricanes. Without this legislation, producers who have suffered through bad years due to these weather and economic conditions will no longer be eligible for loan guarantees they need to continue their operations.

Our bill will extend the term limit waiver until September 30, 2007. This step will help farmers and ranchers nationwide and allow Congress to address term limits on FSA guaranteed loans in the coming farm bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 4093) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4093

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

#### SECTION 1. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107-171) is amended by striking "December 31, 2006" and inserting "September 30, 2007".

#### NATIONAL SECURITY WORKING GROUP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 625 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 625) extending the authority for the Senate National Security Working Group.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 625) was agreed to, as follows:

S. RES. 625

*Resolved*, That Senate Resolution 105 of the One Hundred First Congress, 1st session (agreed to on April 13, 1989), as amended by Senate Resolution 149 of the One Hundred Third Congress, 1st session (agreed to on October 5, 1993), as further amended by Senate Resolution 75 of the One Hundred Sixth Congress, 1st session (agreed to on March 25, 1999), as further amended by Senate Resolution 383 of the One Hundred Sixth Congress, 2d session (agreed to on October 27, 2000), as further amended by Senate Resolution 355 of the One Hundred Seventh Congress, 2d session (agreed to on November 13, 2002), and as further amended by Senate Resolution 480 of the One Hundred Eighth Congress, 2d session (agreed to November 20, 2004), is further amended in section 4 by striking "2006" and inserting "2008".

#### DAM SAFETY ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 511, S. 2735.

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

The legislative clerk read as follows:

A bill (S. 2735) to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Dam Safety Act of 2006".*

#### SEC. 2. NATIONAL DAM INVENTORY.

*Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:*

#### "SEC. 6. NATIONAL DAM INVENTORY.

*"(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall maintain and update information on the inventory of dams in the United States.*

*"(b) REQUIREMENT.—The inventory of dams described in subsection (a) shall include a summary of the results of any inspection completed by either a Federal agency or a State dam safety agency."*

**SEC. 3. NATIONAL DAM SAFETY PROGRAM.**

(a) **DUTIES.**—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking “and target dates to” and inserting “performance measures, and target dates toward effectively administering this Act in order to”.

(b) **ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.**—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking “substantially”;

(2) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(3) by inserting after clause (iii) the following: “(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;”;

(4) in clause (vii) (as redesignated by paragraph (2)), by inserting “install and monitor instrumentation,” after “remedial work.”.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking “\$6,000,000 for each of fiscal years 2003 through 2006” and inserting “\$8,000,000 for each of fiscal years 2007 through 2011”;

(2) in subsection (b), by striking “\$500,000 for each fiscal year” and inserting “\$1,000,000 for each of fiscal years 2007 through 2011”;

(3) in subsection (c), by striking “\$1,500,000 for each of fiscal years 2003 through 2006” and inserting “\$2,000,000 for each of fiscal years 2007 through 2011”;

(4) in subsection (d), by striking “\$500,000 for each of fiscal years 2003 through 2006” and inserting “\$700,000 for each of fiscal years 2007 through 2011”; and

(5) in subsection (e), by striking “\$600,000 for each of fiscal years 2003 through 2006” and inserting “\$1,000,000 for each of fiscal years 2007 through 2011”.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, 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 amendment (No. 5214) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. DAM SAFETY.**

(a) **SHORT TITLE.**—This section may be cited as the “Dam Safety Act of 2006”.

(b) **NATIONAL DAM INVENTORY.**—Section 6 of the National Dam Safety Program Act (33 U.S.C. 467d) is amended to read as follows:

**“SEC. 6. NATIONAL DAM INVENTORY.**

“The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.”.

**(c) NATIONAL DAM SAFETY PROGRAM.—**

(1) **DUTIES.**—Section 8(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by striking “and target dates to” and inserting “performance measures, and target dates toward effectively administering this Act in order to”.

(2) **ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.**—Section 8(e)(2)(A) of the National Dam Safety Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking “substantially”;

(B) by redesignating clauses (iv) through (x) as clauses (v) through (xi), respectively;

(C) by inserting after clause (iii) the following:

“(iv) the authority to require or perform periodic evaluations of all dams and reservoirs to determine the extent of the threat to human life and property in case of failure;”;

(D) in clause (vii) (as redesignated by subparagraph (B)), by inserting “install and monitor instrumentation,” after “remedial work.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by striking “\$6,000,000 for each of fiscal years 2003 through 2006” and inserting “\$6,500,000 for fiscal year 2007, \$7,100,000 for fiscal year 2008, \$7,600,000 for fiscal year 2009, \$8,300,000 for fiscal year 2010, and \$9,200,000 for fiscal year 2011”;

(2) in subsection (b), by striking “\$500,000 for each fiscal year” and inserting “\$650,000 for fiscal year 2007, \$700,000 for fiscal year 2008, \$750,000 for fiscal year 2009, \$800,000 for fiscal year 2010, and \$850,000 for fiscal year 2011”;

(3) in subsection (c), by striking “\$1,500,000 for each of fiscal years 2003 through 2006” and inserting “\$1,600,000 for fiscal year 2007, \$1,700,000 for fiscal year 2008, \$1,800,000 for fiscal year 2009, \$1,900,000 for fiscal year 2010, and \$2,000,000 for fiscal year 2011”;

(4) in subsection (d), by striking “\$500,000 for each of fiscal years 2003 through 2006” and inserting “\$550,000 for fiscal year 2007, \$600,000 for fiscal year 2008, \$650,000 for fiscal year 2009, \$700,000 for fiscal year 2010, and \$750,000 for fiscal year 2011”; and

(5) in subsection (e), by striking “\$600,000 for each of fiscal years 2003 through 2006” and inserting “\$700,000 for fiscal year 2007, \$800,000 for fiscal year 2008, \$900,000 for fiscal year 2009, \$1,000,000 for fiscal year 2010, and \$1,100,000 for fiscal year 2011”.

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

The bill (S. 2735), as amended, was ordered to be engrossed for a third reading, read the third time and passed.

**POOL AND SPA SAFETY ACT**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 654, S. 3718.

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

The legislative clerk read as follows:

A bill (S. 3718) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Pool and Spa Safety Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Federal swimming pool and spa drain cover standard.

Sec. 4. State swimming pool safety grant program.

Sec. 5. Minimum State law requirements.

Sec. 6. Education program.

Sec. 7. Definitions.

Sec. 8. CPSC report.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa;

(3) in 2003, 782 children ages 14 and under died as a result of unintentional drowning;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

**SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.**

(a) **CONSUMER PRODUCT SAFETY RULE.**—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) **DRAIN COVER STANDARD.**—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating the same.

**SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.**

(a) **IN GENERAL.**—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) **ELIGIBILITY.**—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) **AMOUNT OF GRANT.**—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) **USE OF GRANT FUNDS.**—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and