(Mr. LAUTENBERG), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. BIDEN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2430 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2431

At the request of Mr. MARTINEZ, the names of the Senator from Florida (Mr. NELSON), the Senator from Arizona (Mr. KYL), the Senator from Missouri (Mr. TALENT) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 2431 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2432

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 2432 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2433

At the request of Mr. CHAMBLISS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of amendment No. 2433 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2436

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 2436 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2438

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2438 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW:

S. 1973. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, to express the sense of the Senate regarding full funding of LIHEAP, and to provide consumer protections against fuel price gouging, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the Energy Tax Rebate Act of 2005 and I ask unanimous consent that the text of the bill be printed in the RECORD.

Michigan families and families across America are being delivered a one-two punch when it comes to energy prices. First, they continue to be hit hard by high gasoline prices. Now they are facing home heating costs this winter that are expected to rise dramatically compared to last year.

We can do better than this for our families. So today I am introducing a bill that will provide families with an immediate $500 tax rebate to help them pay for rising energy costs. My legislation also includes important consumer protections to make sure Americans are not the victims of unfair market practices and consumer price gouging. Finally, my bill includes a Sense of the Senate that the Low-Income Home Energy Assistance Program, known as LIHEAP, should be fully funded to its authorized level of $5.1 billion. LIHEAP is a successful program that makes sure our most vulnerable families, those living on low incomes or fixed-incomes, are able to heat their homes during the cold winter months.

Filling our cars with gasoline to take our children to school and heating our homes in the winter are not luxuries. They are necessities. Energy is a necessity. Together we can do better and together we will do better.

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

S. 1973

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy Tax Rebate Act of 2005''.

TITLE I—ENERGY TAX REBATE

SEC. 101. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

''SEC. 6430. ENERGY TAX REBATE.

''(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2005 in an amount equal to the lesser of—

''(1) the amount of the taxpayer's liability for tax for such taxpayer's preceding taxable year, or

''(2) $500.

''(b) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for any taxable year shall be the excess (if any) of—

''(1) the sum of—

''(A) the taxpayer's regular tax liability (within the meaning of section 26(b)) for the taxable year,

''(B) the tax imposed by section 55(a) with respect to such taxpayer for the taxable year, and

''(C) the taxpayer's social security taxes (within the meaning of section 24(d)(2)) for the taxable year, over

''(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits) for the taxable year.

''(c) TAXABLE INCOME LIMITATION.—

''(1) IN GENERAL.—If the taxable income of the taxpayer for the preceding taxable year exceeds the maximum taxable income in the table under subsection (a), (b), (c), or (d) of section 1, whichever is applicable, to which the 25 percent rate applies, the dollar amount otherwise determined under subsection (a) for such taxpayer shall be reduced (but not below zero) by the amount of the excess.

''(2) CHANGE IN RETURN STATUS.—In the case of married individuals filing a joint return for the taxable year who did not file such a joint return for the preceding taxable year, paragraph (1) shall be applied by reference to the taxable income of both such individuals for the preceding taxable year.

''(d) DATE PAYMENT DEEMED MADE.—

''(1) IN GENERAL.—The payment provided by this section shall be deemed made on the date of the enactment of the Energy Tax Rebate Act of 2005.

''(2) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later than the date which is 30 days after the date specified in paragraph (1).

''(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins,

''(2) any estate or trust, or

''(3) any nonresident alien individual.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period '', or enacted by the Energy Tax Rebate Act of 2005''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6430. Energy tax rebate.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—LOW-INCOME HOME ENERGY ASSISTANCE

SEC. 201. SENSE OF THE SENATE REGARDING FULL FUNDING FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

It is the sense of the Senate that Congress should appropriate $5,100,000,000 for fiscal year 2006 and each subsequent fiscal year for the Low-Income Home Energy Assistance Program, under section 2602(b) of the Low-Income Home Energy Assistance Act of 1981.

TITLE III—CONSUMER PROTECTIONS

SEC. 301. UNFAIR OR DECEPTIVE ACTS OR PRACTICE IN COMMERCE RELATED TO PRICING OF PETROLEUM PRODUCTS.

(a) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

(1) IN GENERAL.—It is unlawful for any person to sell crude oil, gasoline, or petroleum distillates at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charge represents a gross disparity between the price of the crude oil, gasoline, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the crude oil, gasoline, or petroleum distillate was sold reasonably reflects additional costs, not within the control fo the seller, that were paid or incurred by the seller.

(b) PROHIBITION AGAINST GEOGRAPHIC PRICE-SETTING AND TERRITORIAL RESTRICTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to—

(A) set different prices for gasoline or petroleum distillates for different geographic locations; or

(B) implement a territorial restriction with respect to gasoline or petroleum distillates.

(2) EXCEPTIONS.—A person may set different prices for gasoline or petroleum distillates for different geographic locations or implement territorial restrictions with respect to gasoline or petroleum distillates only if the price differences or restrictions are sufficiently justified by—

(A) differences in the cost of retail space where the gasoline or petroleum distillate is sold;

(B) differences in the cost of transportation of gasoline or petroleum distillates from the refinery to the retail location;

(C) differences in the cost of storage of gasoline or petroleum distillates at the retail location; or

(D) differences in the formulation of the gasoline or petroleum distillates sold.

(c) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purpose with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 302. ENFORCEMENT UNDER FEDERAL TRADE COMMISSION ACT.

(a) ENFORCEMENT BY COMMISSION.—This title shall be enforced by the Federal Trade Commission. In enforcing section 301(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 303. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 301(a), or to impose the civil penalties authorized by section 304 for violations of section 301(a), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened by such violation.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complain of the Commission or the other agency for any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in state court to enforce a civil or criminal statute of such State.

SEC. 304. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act—

(A) any person who violates section 301(c) of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) any person who violates section 301(a) or 301(b) of this title is punishable by a civil penalty of not more than $3,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 301(a) of this title is punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both.

SEC. 305. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 306. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTICOMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Commission shall—

(A) consider the degree of price transparency provided by existing price publishers and providers of trade processing services; and

(B) rely on such publishers and services to the maximum extent practicable.

(3) ELECTRONIC INFORMATION SYSTEMS.—

(A) IN GENERAL.—The Commission may establish an electronic information system if the Commission determines that existing price publications are not adequately providing price discovery or market transparency.

(B) ELECTRONIC INFORMATION FILING REQUIREMENTS.—Nothing in this section affects any electronic information filing requirements in effect under this title as of the date of enactment of this Act.

(4) DE MINIMUS EXCEPTION.—The Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later 180 days after the date of enactment of this Act, the Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section limits or affects the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

By Mr. NELSON of Florida:

S. 1974. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, I rise to introduce the Drug Free Varsity Sports Act of 2005. This bill would provide States with the resources they need to rid our schools of steroids and other performance-enhancing drugs.

I believe steroid use doesn't begin at the professional level. I am very concerned about performance-enhancing drug use among young athletes—specifically, high school athletes. Steroid use among high school students is on the rise. It more than doubled among high school students from 1991 to 2003, according to the Centers for Disease Control and Prevention. Furthermore, a study by the University of Michigan shows that the percentage of 12th graders who said they had used steroids some time in their lives rose from 1.9 percent in 1996 to 3.4 percent in 2004. This is unacceptable and a health risk to our children.

Last year, the Polk County School District became the first in Florida to establish random testing for high school athletes, and the Florida House passed a bill that would have made Florida the first State to require steroid testing for high school athletes. That bill stalled in the Senate, but now Florida and other States are considering a similar law. Currently, less than 4 percent of U.S. high schools test athletes for steroids, and no state requires high schools to test athletes. Schools and States say that cost is usually the reason they don't test.

In response, I am introducing this legislation to help States with the resources they need to curb the use of steroids and other performance-enhancing drugs. My legislation would provide Federal grants directly to States so that they can develop and implement performance-enhancing drug testing programs.

The Drug Free Varsity Sports Act of 2005 would authorize $20 million in grants to States to create statewide pilot drug testing programs for performance-enhancing drugs. States that receive the grants would be required to incorporate recovery, counseling, and treatment programs for those students who test positive for performance-enhancing drugs.

Stopping the use of performance-enhancing drugs goes beyond testing. That is why my legislation also would require States that receive grants to allocate no less than 10 percent of the funding to establish statewide policies to discourage steroid use, through educational or other related means.

In addition, at a recent Senate Commerce Committee hearing on this issue, I called on all of the heads of the major professional sports leagues and their unions to begin a major, multisport, national advertising campaign. This campaign should be paid for by the leagues and their players, and directed at young people. It should focus on discouraging the use of performance-enhancing drugs. We must get the message out about the dangers of these drugs, and who better to send that message to young people than the leagues they watch and the players they idolize?

There is no simple solution to the issue of steroids in sports. Congress can do its part by enacting the Drug Free Varsity Sports Act of 2005. But the sports leagues, their players, coaches, and parents all must play an active role.

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. 1974

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Free Varsity Sports Act of 2005''.

SEC. 2. PILOT DRUG-TESTING PROGRAMS FOR PERFORMANCE-ENHANCING DRUGS.

(a) PURPOSE.—The purpose of this section is to supplement the other student drug-testing programs assisted by the Office of Safe and Drug-Free Schools of the Department of Education by establishing, through the Office, a grant program that will allow State educational agencies to test secondary school students for performance-enhancing drug use.

(b) PROGRAM AUTHORIZED.—The Secretary of Education, acting through the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools, shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to develop and carry out statewide pilot programs that test secondary school students for performance-enhancing drug use.

(c) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary of Education shall give priority to State educational agencies that incorporate community organizations in carrying out the recovery, counseling, and treatment programs described in subsection (e)(1)(B).

(e) USE OF FUNDS.—

(1) DRUG-TESTING PROGRAM FOR PERFORMANCE-ENHANCING DRUGS.—A State educational agency that receives a grant under this section shall use not more than 90 percent of the grant funds to carry out the following:

(A) Implement a drug-testing program for performance-enhancing drugs that is limited to testing secondary school students who meet 1 or more of the following criteria:

(i) The student participates in the school's athletic program.

(ii) The student is engaged in a competitive, extracurricular, school-sponsored activity.

(iii) The student and the student's parent or guardian provides written consent for the student to participate in a voluntary random drug-testing program for performance-enhancing drugs.

(B) Provide recovery, counseling, and treatment programs for secondary school students tested in the program who test positive for performance-enhancing drugs.

(2) PREVENTION.—A State educational agency that receives a grant under this section shall use not less than 10 percent of the grant funds to establish statewide policies that discourage the use of performance-enhancing drugs, through educational or other related means.

(f) REPORT.—For each year of the grant period, a State educational agency that receives a grant under this section shall prepare and submit an annual report to the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools on the impact of the pilot program, which report shall include—

(1) the number and percentage of students who test positive for performance-enhancing drugs;

(2) the cost of the pilot program; and

(3) a description of any barriers to the pilot program, as well as aspects of the pilot program that were successful.

(g) DEFINITIONS.—In this section, the terms ''State educational agency'' and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006.

(2) SEPARATION OF FUNDS.—The Secretary of Education shall keep any funds authorized for this section under paragraph (1) separate from any funds available to the Secretary for other student drug-testing programs.

By Mr. OBAMA:

S. 1975. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

Mr. OBAMA. Mr. President, today millions of Americans will exercise their most fundamental right under the Constitution the right to vote. As in every election, I hope all eligible Americans go to the polls to exercise this right. Voter participation is fundamental to our democracy, and we must do all we can to encourage those who can to vote.

After seeing what happened over the last two presidential elections, I have some other hopes for this Election Day. I hope all voters who go to the polls find voting machines that work, nonpartisan poll workers who understand the law and enforce it without bias, lines that move smoothly, and ballots that make sense and are easy to understand. I also hope voters go to the polls today with accurate information about what is on the ballot, where they are supposed to vote, and what our Nation's voting laws are.

It might surprise some of you to know, but even in this awesome age of technological advancement and easy access to information, there are folks who will stop at nothing to try to deceive people and keep them away from the polls. These deceptive practices all too often target and exploit vulnerable populations, like minorities, the disabled, or the poor.

Think about the story of the 2004 presidential election when voters in Milwaukee received fliers from the non-existent ''Milwaukee Black Voters League,'' warning that voters risk imprisonment for voting if they were ever found guilty of any offense—even a traffic violation. In that same election, in a county in Ohio, some voters received mailings misinforming voters that anyone registered to vote by the Kerry Campaign or the NAACP would be barred from voting.

Deceptive practices often rely on a few tried and true tricks. Voters are often warned that an unpaid parking ticket will lead to their arrest or that folks with family members who have been convicted of a crime are ineligible to vote. Of course, these warnings have no basis in fact, and they are made with one goal and one goal only to keep Americans away from the polls.

I hope voters who go to the polls today are not victims of such malicious campaigns, but I know hoping is not enough. That is why I am introducing the Deceptive Election Practices and Voter Intimidation Prevention Act of 2005 to provide voters with real protection from deceptive practices that aim to keep them away from the polls on Election Day.

The bill I am introducing today provides the clear statutory language and authority needed to get allegations of deceptive practices investigated. It establishes harsh penalties for those found to have perpetrated them. And the bill seeks to address the real harm of these crimes—voters who are discouraged from voting by misinformation—by establishing a process for reaching out to these misinformed and intimidated voters with accurate and full information so they can cast their votes in time. Perhaps just as important, this bill creates strong penalties for deceptive election acts, so people who commit these crimes suffer more than just a slap on the hand.

This legislation has the support of groups like the NAACP, the Lawyers Committee for Civil Rights Under Law, Common Cause, the Arc of the United States, United Cerebral Palsy, People for the American Way and the National Disability Rights Network.

Deceptive practices and voter intimidation are real problems and demand real solutions like those offered in my bill.

I hope my colleagues will join me and support this bill and work to ensure that all eligible voters have the opportunity to have their votes count.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1975

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 ''Deceptive Practices and Voter Intimidation Prevention Act of 2005''.

SEC. 2. DECEPTIVE PRACTICES IN ELECTIONS.

(a) CIVIL ACTION.—

(1) IN GENERAL.—Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking ''No person'' and inserting the following:

''(1) No person''; and

(B) by inserting at the end the following new paragraph:

''(2) No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding—

''(A) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession; or

''(B) the qualifications for or restrictions on voter eligibility for any election described in subparagraph (A).''.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Subsection (c) of section 2004 of the Revised Statutes (42 U.S.C. 1971(c)) is amended—

(i) by striking ''Whenever any person'' and inserting the following:

''(1) Whenever any person''; and

(ii) by adding at the end the following new paragraph:

''(2) Any person aggrieved by a violation of subsection (b)(2) may institute a civil action or other proper proceeding for preventive relief, including an application in a United States district court for a permanent or temporary injunction, restraining order, or other order.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (e) of section 2004 of the Revised Statutes (42 U.S.C. 1971(e)) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(ii) Subsection (g) of section 2004 of the Revised Statutes (42 U.S.C. 1971(g)) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever''; and

(2) by adding at the end the following:

''(b) DECEPTIVE ACTS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—It shall be unlawful for any person to knowingly deceive another person regarding the time, place, or manner of an election described in subparagraph (B), or the qualifications for or restrictions on voter eligibility for any such election, with the intent to prevent such person from exercising the right to vote in such election.

''(B) ELECTION.—An election described in this subparagraph is any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, Delegate of the District of Columbia, or Resident Commissioner.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned not more than 1 year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. REPORTING FALSE ELECTION INFORMATION.

(a) IN GENERAL.—Any person may report to the Assistant Attorney General of the Civil Rights Division of the Department of Justice, or the designee of such Assistant Attorney General, any act of deception regarding—

(1) the time, place, or manner of conducting a general, primary, run-off, or special election for Federal office; or

(2) the qualifications for or restrictions on voter eligibility for any general, primary, run-off, or special election for Federal office.

(b) CORRECTIVE ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 48 hours after receiving a report under subsection (a), the Assistant Attorney General shall investigate such report and, if the Assistant Attorney General determines that an act of deception described in subsection (a) occurred, shall—

(A) undertake all effective measures necessary to provide correct information to voters affected by the deception, and

(B) refer the matter to the appropriate Federal and State authorities for criminal prosecution.

(2) REPORTS WITHIN 72 HOURS OF AN ELECTION.—If a report under subsection (a) is received within 72 hours before the election described in such subsection, the Assistant Attorney General shall immediately investigate such report and, if the Assistant Attorney General determines that an act of deception described in subsection (a) occurred, shall immediately undertake all effective measures necessary to provide correct information to voters affected by the deception.

(3) REGULATIONS.—

(A) IN GENERAL.—The Attorney General shall promulgate regulations regarding the methods and means of corrective actions to be taken under paragraphs (1) and (2). Such regulations shall be developed in consultation with the Election Assistance Commission, civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(B) STUDY.—

(i) IN GENERAL.—The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraphs (1) and (2) through public service announcements, the emergency alert system, or other forms of public broadcast.

(ii) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report detailing the results of the study conducted under clause (i).

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after any primary, general, or run-off election for Federal office, the Attorney General shall submit to the appropriate committees of Congress a report compiling and detailing any allegations of deceptive practices submitted pursuant to subsection (a) and relating to such election.

(2) CONTENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall include—

(i) detailed information on specific allegations of deceptive tactics;

(ii) any corrective actions taken in response to such allegations;

(iii) the effectiveness of any such corrective actions;

(iv) any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C. 1971(b)(2)) in connection with such allegations;

(v) statistical compilations of how many allegations were made and of what type;

(vi) the geographic locations of and the populations affected by the alleged deceptive information; and

(vii) the status of the investigations of such allegations.

(B) EXCEPTION.—The Attorney General may withhold any information that the Attorney General determines would unduly interfere with an on-going investigation.

(3) REPORT MADE PUBLIC.—The Attorney General shall make the report required under paragraph (1) publicly available through the Internet and other appropriate means.

(d) FEDERAL OFFICE.—For purposes of this section, the term ''Federal office'' means the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this section.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 1976. A bill to make amendments to the Iran Nonproliferation Act of 2000; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, I rise today to express my deep concern about the almost daily series of alarming developments in Iran and Syria. Both are state sponsors of terrorism. Both have worked to undermine our rebuilding efforts in Iraq. Tehran and Damascus both have a history of refusing to comply with global nonproliferation standards, and experts routinely cite disturbing trends that suggest these governments are aggressively pursuing programs to develop weapons of mass destruction. Iran clearly has the intention to develop nuclear weapons and is well on its way to doing so. It has been belligerent and dishonest in its dealings with the International Atomic Energy Agency and our European partners who are negotiating with Tehran. This led to the historic vote on September 24 of this year, when the IAEA Board of Governors found that Iran had breached its obligations under the Nuclear Non-Proliferation Treaty and noted Iran's policy of concealing its nuclear work and facilities. What was Tehran's response to the international community? More defiance and the outrageous comments by Iranian President Mahmoud Ahmadinejad calling for Israel to be ''wiped off the map.''

Since coming into office, this administration has mostly allowed these problems with Iran and Syria to fester while its focus was elsewhere. It has paid only intermittent attention when crises flare up and has not formulated a long-term and comprehensive strategy for dealing with the proliferation threat presented by these regimes. The situation has deteriorated to such an extent—with the rapid nuclear developments in Iran, the increasing proliferation risk that it and Syria pose, the undermining of our work in Iraq, and the extreme statements and actions recently taken by both Tehran and Damascus—that we must take immediate action.

Congress took action to augment the U.S. nonproliferation regime in 2000 when it overwhelmingly passed the Iran Nonproliferation Act, INA, in response to repeated transfers of ballistic missile technology and know-how from Russia and other countries to Iran. Known and suspected assistance from Russia, China, and Pakistan has also helped Iran make progress in its nuclear program. I believe that the 2000 legislation has winnowed the pool of transgressors by highlighting the most egregious among them; however, determined governments, industries, and individuals continue to find it a worthwhile risk to trade in goods and technology that can contribute to an Iranian WMD program. Clearly, it is time to strengthen the INA to prevent these transactions. A more robust INA can also serve as a model for curbing proliferation involving other countries—starting with Syria, whose policies may still be influenced by such determined and effective measures.

Congress is on the cusp of adopting some important changes to the INA with S. 1713. If enacted, the reporting and sanctions provisions of the statute would also apply to transactions involving Syria. In addition, the law would also target exports of WMD and missile technology from these two countries. The revamped Iran and Syria Nonproliferation Act, ISNA, would be a positive step. However, we must do more.

Today, I along with my colleague from Arizona, Mr. KYL, introduce the Iran Nonproliferation Enhancement Act of 2005. This bill would intensify and broaden the sanctions provisions in the INA. First, it requires mandatory sanctions for violators, an approach that Congress favored overwhelmingly when it passed the Iran Missile Proliferation Sanctions Act of 1997. Second, it requires a more detailed justification from the President if he chooses to exercise a national security waiver. Third, it introduces requirements that make parent companies subject to INA sanctions, in addition to their proliferator subsidiaries. And fourth, it expands the list of sanctions to include prohibitions on U.S. investment, financing, and financial assistance for proliferators, in addition to the current arms and dual use export prohibitions.

The current sanctions mechanism is too weak. Under the INA, sanctions are authorized rather than required. Since 2000, the administration has chosen to impose INA sanctions on foreign companies or individuals on 65 occasions, with some entities having been sanctioned several times. The State Department has not revealed in unclassified form how many entities were reported but not sanctioned and why they were not sanctioned.

If we accept that a successful Iranian or Syrian WMD program poses a major threat, then we must get serious about our sanctions and make them mandatory. Our bill does just that. Making sanctions mandatory has precedents. As I previously noted, Congress overwhelmingly approved mandatory sanctions against foreign persons and entities engaged in missile proliferation to Iran as part of the Iran Missile Proliferation Sanctions Act of 1997. President Clinton vetoed the bill, however, largely because at that time his administration was engaged in negotiations with Russia over export controls. The sense was that the newly formed government needed time to develop its controls over Russian business. In the end, the administration exercised its Executive order authority to impose broad sanctions on several Russian companies. However, we must let the international community know that the threat from proliferation is great and that export controls must be in place and enforced. Making sanctions mandatory sends that message.

Furthermore, nonproliferation legislation should ensure that national security waivers are issued only under the most compelling of circumstances. The current national security waiver is too broad, and the administration can simply classify the reason for the waiver in order to remove almost all scrutiny. The message sent to those assisting Iran and Syria with WMD development is that, even if the United States catches them, there is only a small chance that we will actually do anything about it. There are legitimate reasons for classifying parts of these responses and that is why our bill allows the administration to submit part of the waiver explanation in a classified annex. However, our bill requires the Administration to provide more detailed explanations for such waivers and an explanation of why a justification is classified.

Currently, the INA sanctions restrict only U.S. arms and dual-use exports to violators, and an Executive order authorizes some additional restrictions. Our bill will ensure that all the significant tools in our sanctions arsenal are brought to bear on proliferators. It broadens INA sanctions to also include prohibitions on U.S. investment, financing, and financial assistance for violators, and if S. 1713 is enacted, also ban their imports into the United States. In an example identified by the Wisconsin Project on Nuclear Arms Control, China National Aero-Technology Import Export Corporation, CATIC, which was sanctioned under the INA in 2002 and 2004, has subsidiaries that export to the U.S. Under our bill, the investment sanction would prevent U.S. companies from making new capital investments in CATIC factories. It would also forbid the purchase by U.S. persons of shares of CATIC Shenzhen Holdings and CATIC International Holdings, two CATIC-controlled companies that are listed on the Hong Kong Stock Exchange. The new import ban would block the sale of CATIC products in the United States, cutting off an important source of revenue. Put simply, this bill would make it clear for companies like CATIC that they must make a choice—profit from their dealings with the vast U.S. market or continue to assist Iran or Syria with their WMD and missile programs. It is long past due that companies make such a choice.

Under the INA, parent companies can continue to do business with the U.S. and profit from our economy, even if their subsidiaries openly assist Iran with missile and WMD-related activities. Our bill attempts to end this aberration by expanding the scope of the sanctions to include the parent companies. The Wisconsin Project has identified serial proliferators who have flouted U.S. law because they know they cannot be touched by the current INA. China Aerospace Science and Technology Corporation, CASC, for example, has had three subsidiaries sanctioned—two of them repeatedly—for missile technology transfers to Iran. Meanwhile, CASC is marketing its commercial satellite launch program in our country. This amendment would force CASC to choose between selling missile technology to Iran and the business potential in future U.S. satellite launches. The bill's ban on investment would also affect the subsidiaries CASC has listed on the Hong Kong Stock Exchange. Similarly, the Chinese oil giant Sinopec has been selling glass-lined vessels useful for making poison gas to Iran through its subsidiaries. While INA sanctions were imposed on one of its subsidiaries, however, Sinopec remained free to raise billions of dollars on the New York Stock Exchange and even receive U.S. technology and U.S. foreign aid. This is absurd, and will no longer be possible if our bill becomes law.

In conclusion, I want to emphasize the urgency of this matter. The intelligence community expects that Iran will be able to produce a nuclear weapon within a decade, and the CIA has highlighted concern about Iran's robust missile program. Iran has pursued various methods for enriching uranium and experimented with separating plutonium. Iran's WMD program is making news headlines again, and the IAEA Board of Governors found Iran in noncompliance with the NPT. The Congressional Research Service reported in its review of the INA that Iran's efforts to acquire foreign WMD technology seem to have continued unabated. Similarly, Syria continues to rely on technology and assistance from abroad to develop its ballistic missile program. According to recent unclassified CIA reports, Syria's chemical weapon program also depends on equipment and precursor chemicals it receives from foreign sources.

We need to make a serious effort to inhibit WMD development by Iran and Syria. Strengthening the INA is one concrete way to do that for Iran, and when S. 1713 is enacted, also for Syria. We must make clear to the world that assisting Tehran and Damascus in developing the most dangerous weapons cannot and will not be tolerated. For example, China is a country with which we continue to build closer ties. However, a recent Rand study concluded that although China has improved its export control system on paper, it does not consistently and effectively implement these controls. Russia is also an important partner, but it has continued to provide Iran with nuclear technology. India is another nation with which the United States continues to grow closer, and the President has even committed to helping it with nuclear energy technology. Yet India also has very close ties to Iran. We must make clear to these nations and to the entire world that it is in the best interest of the international community that Iran and Syria do not expand their WMD capabilities. We must also make it crystal clear that if you assist these nations with their quest for weapons, there will be serious consequences for you in your relationship and dealings with the United States. Strengthening the INA as we suggest will make that message clear and further our national security goals.

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. 1976

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Nonproliferation Enforcement Act of 2005''.

SEC. 2. SANCTIONS APPLICABLE UNDER THE IRAN NONPROLIFERATION ACT OF 2000.

(a) APPLICATION OF CERTAIN MEASURES.—Section 3 of the Iran Nonproliferation Act of 2000 (50 U.S.C. 1701 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) APPLICATION OF MEASURES.—Subject to sections 4 and 5, the President shall apply, for a period of not less than 2 years, the measures described in subsection (b) with respect to—

''(1) each foreign person identified in a report submitted pursuant to section 2(a);

''(2) all successors, subunits, and subsidiaries of each such foreign person; and

''(3) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, any such foreign person and any successors, subunits, and subsidiaries of such entity.'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—The measures set forth in subsections (b), (c), and (d) of section 4 of Executive Order 12938.'';

(B) in paragraph (2)—

(i) by striking ''to that foreign person''; and

(ii) by striking ''to that person'';

(C) in paragraph (3), by striking ''to that person''; and

(D) by adding at the end the following new paragraphs:

''(4) INVESTMENT PROHIBITION.—Prohibition of any new investment by a United States person in property, including entities, owned or controlled by—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, such foreign person; or

''(C) any successor, subunit, or subsidiary of such entity.

''(5) FINANCING PROHIBITION.—Prohibition of any approval, financing, or guarantee by a United States person, wherever located, of a transaction by—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, such foreign person; or

''(C) any successor, subunit, or subsidiary of such entity.

''(6) FINANCIAL ASSISTANCE PROHIBITION.—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any department, agency, or instrumentality of the United States Government to—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent

of, or controls in fact, such foreign person; and

''(C) any successor, subunit, or subsidiary of such entity.''; and

(3) by amending subsection (d) to read as follows:

''(d) PUBLICATION IN FEDERAL REGISTER.—

''(1) IN GENERAL.—The application of measures pursuant to subsection (a) shall be announced by notice published in the Federal Register.

''(2) CONTENT.—Each notice published pursuant to paragraph (1) shall include the name and address (where known) of each person or entity to whom measures have been applied pursuant to subsection (a).''.

(b) NATIONAL SECURITY WAIVER.—Section 4 of such Act is amended to read as follows:

''SEC. 4. WAIVER ON BASIS OF NATIONAL SECURITY.

''(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 3 on any person or entity 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is essential to the national security of the United States.

''(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification—

''(1) describing in detail the circumstances and rationale supporting the President's conclusion that the waiver is essential to the national security of the United States; and

''(2) identifying—

''(A) the name and address (where known) of the person or entity to whom the waiver is applied pursuant to subsection (a);

''(B) the specific goods, services, or technologies, the transfer of which would have required the imposition of measures pursuant to section 3 if the President had not invoked the waiver authority under subsection (a); and

''(C) the name and address (where known) of the recipient of such transfer.

''(c) FORM.—The written justification shall be submitted in unclassified form, but may contain a classified annex.''.

By Mr. STEVENS:

S. 1977. A bill to repeal section 5 of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I come to the floor to introduce this bill, which repeals a provision in the 1977 reauthorization of the Marine Mammal Protection Act of 1972—a provision which unduly restricts our ability to get States on the west coast the petroleum supplies they need.

In the last several weeks, some of our colleagues have participated in press conferences, sent out news releases, and come to the floor to talk about the impact of high energy prices. They have expressed concern about the effect these prices are having on our economy, our consumers, our businesses, and our national security.

I share their concerns. In fact, for over 3 years, I have been urging the Senate to deal with this situation.

It took one of the worst natural disasters in the history of our Nation for many to evaluate our energy policy. While the circumstances are tragic, I am glad our colleagues are taking a closer look at this.

The plan our colleagues now support aims to achieve the right goal, but it offers the wrong solution. Their plan calls for energy independence—a goal which I support. But they tout conservation as the only way to reach this goal. This approach would put us on the wrong course and fail to solve the larger problem.

Our country is in the midst of an energy crisis, and we cannot conserve our way out. To suggest otherwise does a great disservice to all Americans. We don't need a hollow plan, we need results.

We cannot get out of this crisis by blaming Americans—who are just trying to live their lives, run their businesses, and get to and from work—for the situation we are in. This is not solely a consumption problem; much of this crisis stems from misguided policies which have locked up our lands and prevented us from building new refineries.

The only way to become energy independent is through a combination of initiatives. Conservation is one part of the broader solution.

But we also need to develop renewable and alternative sources of energy and invest in nuclear power and we must develop our domestic oil and gas resources which exist on Federal lands.

The end to this crisis lies in the balance between conservation and development. Yes, I believe that Americans need to conserve our energy resources, but this alone won't solve our energy crisis. To suggest it will is to greatly mislead the American public.

We need to get serious about our energy policy.

My good friend and colleague, Senator DOMENICI, has told us we must expand on the Energy bill.

I agree with Senator DOMENICI, and I look forward to working with him on an energy policy for this country that makes sense.

Hurricanes Katrina and Rita exposed a weakness in our domestic production and refining capability, weakness some of us have been warning about for years. All Americans have been hit with higher energy prices in the aftermath of Hurricanes Katrina and Rita.

Some colleagues have expressed concern that this situation was compounded by price gouging. Senator INOUYE and I, along with our colleagues on the Commerce Committee, are evaluating several bills pertaining to that issue. In the coming days, we will be moving forward to address some of those concerns.

In the process of reviewing these concerns, the claims by those on the west coast were of particular interest to me. Due to current restrictions in the MMPA, it is almost impossible for companies to expand their refineries to increase supply. The provision repealed by my bill is currently impacting the largest refinery on the west coast, affecting more than 300,000 gallons of fuel per day.

I introduce this bill to enable us to get petroleum resources to west coast States quickly and urge my colleagues to support this initiative.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 301—COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL AUDUBON SOCIETY

Mr. CHAFEE (for himself, Ms. STABENOW, Ms. SNOWE, Mrs. BOXER, Mr. CARPER, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. JEFFORDS, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. CLINTON, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DEWINE, Mr. CRAPO, Mr. BOND, Ms. LANDRIEU, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary;

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system;

Whereas birds are excellent indicators of environmental health, as impacted by such factors as pollution, climate change, toxins, and habitat loss, as well as our own long-term well being, and it is in our best interest