S. 2416

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2416, a bill to ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes.

S. 2436

At the request of Mr. INOUYE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2436, a bill to reauthorize the Native American Programs Act of 1974.

S. 2503

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2503, a bill to make permanent the reduction in taxes on dividends and capital gains.

S. 2526

At the request of Mr. BOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2533

At the request of Ms. MIKULSKI, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2533, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 2534

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2534, a bill to amend title 38, United States Code, to extend and enhance benefits under the Montgomery GI Bill, to improve housing benefits for veterans, and for other purposes.

S. 2545

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2545, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 2551

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2551, a bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices.

S. 2566

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2566, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S.J. RES. 40

At the request of Mr. ALLARD, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S.J. Res. 40, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Utah (Mr. HATCH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. RES. 389

At the request of Mr. CAMPBELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2619. A bill to designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Ave. Northwest in Washington, District of Columbia, as the ''Judge William B. Bryant Annex to the E. Barrett Prettyman Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill to designate the recently-constructed annex to the E. Barrett Prettyman United States Courthouse in Washington, DC as the ''William B. Bryant Annex.''

Thomas F. Hogan, this Court's current Chief Judge, has expressed his support and the unanimous support of the other judges on the District Court for the District of Columbia. I am proud to join with Congresswoman ELEANOR HOLMES NORTON in moving ahead with the Chief Judge's request.

Judge Bryant served with distinction of the U.S. District Court for the District of Columbia since 1965. He was the Chief Judge on that court from March 1977 to September 1981.

Judge Bryant graduated from Howard University in 1932, and from Howard University Law School, receiving an LL.B. in 1936.

Judge Bryant's lengthy public service career is one of great distinction. In addition to the time he spent on the Federal bench, Judge Bryant served in the United States Army during World War II and as an Assistant U.S. Attorney for the District of Columbia. After serving four and one half years as Chief Judge, Judge Bryant took senior status in January of 1982.

Naming the new annex to the E. Barrett Prettyman courthouse after Judge Bryant would be a fitting tribute to this distinguished jurist. Much like Judge Prettyman, Judge Bryant had an illustrious career in public service and on the bench. I am honored to offer this legislation, and I urge my colleagues to join Congresswoman NORTON and me in support of this well-deserved commendation.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. REID, Mr. WYDEN, Mr. CARPER, Mr. HARKIN, Mr. LEAHY, and Mrs. CLINTON):

S. 2620. A bill to provide for the establishment of an Office of High-Performance Green Buildings, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the ''High Performance Green Buildings Act of 2004.''

I would like to thank Senator LAUTENBERG and the other cosponsors for working with me to introduce this important legislation.

Preliminary studies are showing that high-performance green buildings generate huge savings in operations and maintenance costs due to their efficient operating systems. These studies have also demonstrated that high-performance green buildings provide a healthier work environment for the occupants, resulting in fewer absences due to illness. The outcome is huge savings in health related costs. All of these savings are generated, while sustaining very little impact on their surrounding environment.

In the United States, buildings account for: 36 percent of total energy use; 65 percent of electricity consumption; 30 percent of greenhouse gas emissions; 30 percent of raw materials use; 30 percent of waste output and 12 percent of potable water consumption.

Why not build buildings that strive to conserve our precious resources and reduce the harmful pollutants that are damaging to the environment?

In an era of great security concern, green buildings have reduced energy requirements and may use renewable sources of energy that are off the electricity grid. Green buildings also use less water and some even collect rainwater to use throughout the building. Should there be a terrorist act that damages or destroys our Nation's resources, these buildings could assist in keeping our government up and running.

There is no downside to utilizing high-performance buildings. This initiative is taking off in the private sector. According to the US Green Building Council, there are 118 certified green buildings across the United States with 1,395 in the pipeline. This legislation would ensure that the Federal Government is keeping pace with the real world and doing its part to protect the environment and provide a safe work place for its employees.

The General Services Administration, GSA, is the largest landlord in the United States, with over 8,700 buildings in their current inventory. This legislation creates an office within GSA to oversee the green building efforts of agencies within the government. GSA is a natural leader to focus on our federal buildings and ensure that they are safe, healthy, and efficient.

This legislation will coordinate the efforts within the Federal Government to promote high-performance green buildings, provide public outreach, and expand existing research.

The bill creates an Interagency Steering Committee to advise the Office within GSA. The Committee will be comprised of key representatives of each relevant agency, state and local governments, nongovernment organizations, and experts within the building community. This Committee will ensure that the Federal Government stays up to date with technology and the latest advancements to ensure that high-performance buildings operate efficiently while continuing to provide a healthier environment for the occupants.

In addition, research efforts will be expanded to focus on buildings and the impacts that their systems have on human health and worker productivity. We just don't know enough. Are we making our employees sick by providing poor workspace?

The High-Performance Green Buildings Act also requires that a good hard look be taken at the budget process we have used for years and explore ways to improve the approval process for government projects. We need to grow with the times and ensure that our budget process allows us to take into account life-cycle costing. This means that we allow our financial experts to factor in savings that green buildings generate over time, and don't just look at the upfront cost of a building. It has been documented that high-performance green buildings recover any initial upfront costs from incorporating efficient systems within the first few years of operation. The average life of a federal building is 50 years. In the times of soaring budget deficits, it is imperative that the Federal Government pursue all cost-saving options.

High-performance green buildings are not just for federal buildings, but involve any type of building, including schools. This legislation also focuses on providing healthier, more efficient school facilities for our children. The bill provides $10 million in grants to state and local education agencies for technical assistance and the implementation of the Environmental Protection Agency's, EPA, Tools for Schools Program. The bill will help schools develop plans to focus on the design, construction, and renovation of school facilities, and look at systematic improvements for school siting, indoor air quality, reducing contaminants, and other health issues. This legislation also encourages research to study the effects that these systems are having on student health and productivity. Our children deserve to learn in an environment that is safe and conducive to learning.

Lastly, this bill will promote leadership within the Federal Government and provide incentives for government agencies to build high-performance green buildings. It also creates a clearinghouse to keep individuals and entities, including Congress and the government, informed on the information and services that the Office will provide.

I strongly encourage your support of the ''High-Performance Green Buildings Act of 2004.'' This has been a long time coming and will benefit all of us.

I ask unanimous consent that the ''High-Performance Green Buildings Act of 2004'' be printed in the RECORD.

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

S. 2620

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''High-Performance Green Buildings Act''.

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

Sec. 1. Short title; table of contents
Sec. 2. Findings
Sec. 3. Definitions
TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.
Sec. 101. Oversight.
Sec. 102. Office of High-Performance Green Buildings.
Sec. 103. Interagency Steering Committee.
Sec. 104. Public outreach.
Sec. 105. Research and development.
Sec. 106. Budget and life-cycle costing.
Sec. 107. Authorization of appropriations.
TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS.
Sec. 201. Grants for schools.
Sec. 202. Federal guidelines for siting of school facilities.
Sec. 203. Education research program.
Sec. 204. Authorization of appropriations.
TITLE III—STRENGTHENING FEDERAL LEADERSHIP.
Sec. 301. General Accounting Office.
TITLE IV—DEMONSTRATION PROJECT.
Sec. 401. Coordination of goals.
Sec. 402. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) buildings have profound impacts on the environment, energy use, and health of individuals, and numerous studies suggest that building environments affect worker productivity;

(2) buildings in the United States consume 37 percent of the energy, 68 percent of the electricity, and 12 percent of the potable water used in the United States, and overall construction of buildings (including construction of related infrastructure) consumes 60 percent of all raw materials used in the economy of the United States (excluding materials used for food or fuel);

(3) in the United States, buildings generate—

(A) 40 percent of the nonindustrial waste stream;

(B) 31 percent of the mercury in municipal solid waste; and

(C) 35 percent of the carbon dioxide (the primary greenhouse gas associated with climate change), 49 percent of the sulfur dioxide, and 25 percent of the nitrogen oxides found in the air;

(4) buildings contribute to the ''heat island effect'' by eliminating vegetative cover and using paving and roofing materials that absorb heat and raise ambient temperatures, accelerating the reaction that forms ground-level ozone;

(5) according to the Environmental Protection Agency, on average, people in the United States spend approximately 90 percent of their time indoors, where the concentration of pollutants may be 2 to 5 times and, in some cases, 100 times, higher than pollution concentrations in outdoor air;

(6) the Centers for Disease Control and the Environmental Protection Agency have connected poor indoor air quality to significantly elevated rates of mortality;

(7) health impacts from building materials, such as adhesives, paints, carpeting, and pressed-wood products, which may emit pollutants such as formaldehyde or other volatile organic compounds, are still uncertain but are believed to be potentially significant;

(8) according to the Building Owners and Managers Association, because costs relating to employees, at $130 per square foot annually (including health insurance costs), are by far the highest business costs of a building, as opposed to total energy costs at $1.81 per square foot, measures to improve the indoor air quality of a building can be an important investment in reducing long-term employee costs;

(9) the use of energy efficient systems and alternative sources of energy—

(A) reduces building costs; and

(B) improves the security of the United States by ensuring continuing operations despite any potential interruptions in the primary energy supply of the United States as a result of terrorism or other disruptions of the electricity grid;

(10) by integrating issues relating to natural resource use, human health, materials use, transportation needs, and other concerns into planning the life cycle of a building, architects, designers, and developers can construct buildings that—

(A) are healthier for occupants;

(B) reduce environmental impacts; and

(C) are less wasteful of resources;

(11) a well-designed high-performance green building can be less expensive to build and operate throughout the lifetime of the building than a building that is not a high-performance green building;

(12) in 2003, in the document entitled ''The Federal Commitment to Green Building: Experiences and Expectations'', the Office of the Federal Environmental Executive found that ''[t]here is a mixture of diverse Federal green building mandates in law, regulation, and Executive Orders, but not one definitive, clear, and unified policy statement on environmental design. Many within the Federal government are working on green buildings, but additional coordination and integration are needed.'';

(13) a central coordinating Federal authority for green buildings would increase efficiency of, improve communication between, and reduce duplication within green building programs; and

(14) the General Services Administration, as the largest civilian landlord in the United States, managing more than 8,300 buildings owned or leased by the United States, is the appropriate agency to provide Federal agency coordination of green building programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) COMMITTEE.—The term ''Committee'' means the steering committee established under section 103(a).

(3) HIGH-PERFORMANCE GREEN BUILDING.—The term ''high-performance green building'' means a building the life cycle of which—

(A) increases the efficiency with which the building—

(i) reduces energy, water, and material resource use;

(ii) improves indoor environmental quality, reduces indoor pollution, improves thermal comfort, and improves lighting and noise environments that affect occupant health and productivity;

(iii) reduces negative impacts on the environment throughout the life cycle of the building, including air and water pollution and waste generation;

(iv) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(v) reduces the negative impacts of emissions under the Clean Air Act (42 U.S.C. 7401 et seq.);

(vi) integrates systems in the building; and

(vii) reduces the environmental impacts of transportation through building location and site design that support a full range of transportation choices for users of the building;

(B) considers indoor and outdoor impacts of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Office considers to be appropriate.

(4) HIGH-PERFORMANCE SCHOOL.—The term ''high-performance school'' has the meaning given the term ''healthy, high-performance school building'' in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

(5) LIFE CYCLE.—The term ''life cycle'', with respect to a high-performance green building, means all stages of the useful life of the high-performance green building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through siting, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction, and removal of the green building.

(6) LIFE CYCLE ASSESSMENT.—The term ''life cycle assessment'' means a comprehensive system approach for measuring the environmental performance of a product or service that includes an analysis of the environmental impacts of—

(A) each stage in the life of the product or service (including acquisition of raw materials, product manufacture, transportation, installation, operation and maintenance, and waste management); and

(B) each component of the product or service.

(7) LIFE-CYCLE COSTING.—The term ''life-cycle costing'', with respect to a high-performance green building, means an analysis of economic costs of impacts and choices made regarding materials used and activities carried out with respect to the life cycle of the high-performance green building.

(8) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) OFFICE.—The term ''Office'' means the Office of High-Performance Green Buildings established under section 102(a).

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 101. OVERSIGHT.

(a) IN GENERAL.—The Administrator shall establish within the General Services Administration, and appoint an appropriate individual to, a position in the career-reserved Senior Executive service to—

(1) establish and oversee the Office of High-Performance Green Buildings in accordance with section 102; and

(2) carry out other duties as required under this Act.

(b) COMPENSATION.—The compensation of the individual appointed under subsection (a) shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 102. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) ESTABLISHMENT.—The individual appointed under section 101(a), in partnership with the Administrator of the Environmental Protection Agency, the Office of the Federal Environmental Executive, the Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, the Director of the Office of Management and Budget, and heads of other relevant Federal agencies, shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) DUTIES.—The Office shall—

(1) ensure full coordination and collaboration with all relevant agencies;

(2) establish a senior-level Federal interagency steering committee in accordance with section 103;

(3) provide information through—

(A) outreach;

(B) education;

(C) the provision of technical assistance; and

(D) the development of a national high-performance green building clearinghouse in accordance with section 104;

(4) provide for research and development relating to high-performance green building initiatives under section 105(a);

(5) in partnership with the Comptroller General, review and analyze budget and life-cycle costing issues in accordance with section 106;

(6) complete and submit a report in accordance with subsection (c); and

(7) carry out implementation plans described in subsection (d).

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Office shall submit to Congress and the Comptroller General a report that—

(1) describes the status of the implementation of programs under this Act and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies steps within the planning, budgeting, and construction process of Federal facilities that inhibit new and existing Federal facilities from becoming high-performance green buildings, as measured by—

(A) a silver rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council; or

(B) an improved or higher rating standard as identified, and reassessed biannually, by the Committee;

(3) identifies inconsistency of Federal agencies with Federal law in product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition; and

(5) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan and deadline for implementation of each of the recommendations, described in paragraphs (1) through (4).

(d) IMPLEMENTATION PLAN.—The Office, in consultation with the Comptroller General, shall carry out each plan for implementation of recommendations under subsection (c)(5).

SEC. 103. INTERAGENCY STEERING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Office shall establish within the Office a steering committee.

(b) MEMBERSHIP.—The Committee shall be composed of representatives of, at a minimum—

(1) each agency referred to in section 102(a);

(2) State and local governments;

(3) nongovernmental organizations, including the United State Green Building Council, the American Council for an Energy-Efficient Economy, and the Rocky Mountain Institute;

(4) building design, development, and finance sectors in the private sector; and

(5) building owners, developers, and equipment manufacturers, including renewable, control, combined heat and power, and other relevant technologies, as determined by the Office.

(c) DUTIES.—The Committee shall—

(1) assess Federal activities and compliance with Federal law applicable to high-performance green buildings;

(2) make recommendations for expansion of existing efforts and development of new efforts to support activities relating to the life cycles of high-performance green buildings by the Federal Government, including consideration of the benefits to national security and implementation of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) evaluate current high-performance green building standards and recommend improved, higher, or supplemental rating standards, as necessary, that are consistent with the responsibilities of the Federal Government under this Act and other applicable law; and

(4) provide to the individual appointed under section 101(a) such recommendations relating to Federal activities carried out under sections 104 through 106 as are agreed to by a majority of the members of the Committee.

SEC. 104. PUBLIC OUTREACH.

(a) ESTABLISHMENT.—The Office, in close coordination with Federal agencies and departments that perform related functions, shall carry out public outreach—

(1) to inform individuals and entities in the public sector, including the Federal Government, of the information and services available through the Office; and

(2) to determine how to most effectively deliver that information to the individuals and entities.

(b) DUTIES.—In carrying out this section, the Office, in close cooperation with Federal agencies and departments that perform related functions, shall—

(1) establish and maintain a national high-performance green building clearinghouse on the Internet that—

(A) coordinates and enhances existing similar efforts; and

(B) provides information relating to high-performance green buildings, including—

(i) information on, and hyperlinks to Internet sites that describe, the activities of the Federal Government;

(ii) hyperlinks to Internet sites relating to—

(I) State and local governments;

(II) the private sector; and

(III) international activities; and

(iii) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency;

(2) develop clear guidance and educational materials for use by Federal agencies in implementing high-performance green building practices;

(3) develop and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(4) provide technical assistance on methods of using tools and resources to make more cost-effective, health protective, and environmentally beneficial decisions for constructing high-performance green buildings;

(5) assist all branches of government at the Federal, State, and local levels, and any other interested entity, by providing information on relevant application processes for certifying a high-performance green building, including certification and commissioning;

(6) assist interested persons, communities, businesses, and branches of government with technical information, technical assistance, market research, or other forms of assistance, information, or advice that would be useful in planning and constructing high-performance green buildings, particularly with respect to tools available to conduct life-cycle cost assessment;

(7) provide technical training and guidance on high-performance green buildings; and

(8) obtain such information from other Federal offices, agencies and departments as is necessary to carry out this Act.

SEC. 105. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Office shall carry out research and development—

(1) to survey and coordinate existing research and studies;

(2) to recommend new areas for research; and

(3) to promote the development and dissemination of high performance green building tools.

(b) DUTIES.—In carrying out this section, the Office shall—

(1) ensure interagency coordination of relevant research;

(2) develop and direct a Federal high-performance green building research plan that identifies information needs and research that should be addressed and provides measurement tools—

(A) to quantify the relationships between human health and occupant productivity and each of—

(i) pollutant emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building;

(B) to monitor and assess the life-cycle performance of public facilities (including demonstration projects) built as high-performance green buildings, including through consideration of the report required under section 401(b)(1)(D); and

(C) to quantify, review, and standardize techniques for use in performing life cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 106 in the development and implementation of performance-based standards and life-cycle cost measures, including the development of performance measure tools and software for use by Federal agencies and other interested entities; and

(4) support other research initiatives determined by the Office to contribute to mainstreaming of high-performance planning, design, construction, and operation and management of buildings.

SEC. 106. BUDGET AND LIFE-CYCLE COSTING.

(a) ESTABLISHMENT.—The Office, in coordination with the Office of Management and Budget and relevant agencies, shall carry out budget and life-cycle costing for green buildings.

(b) DUTIES.—In carrying out this section, the Office shall—

(1) consult, as necessary, the report of the Office of the Federal Environmental Executive entitled ''The Federal Commitment to Buildings: Experiences and Expectations'' and dated September 2003;

(2) be responsible for—

(A) examining policy of the Office of Management and Budget relating to life-cycle costing for Federal capital investments;

(B) assisting in the development of clear guidance and implementation of life-cycle cost policy with budget offices of other Federal agencies by establishing a consistent standard of life-cycle cost practices for Federal agencies;

(C) identifying tools that could support the use of life-cycle costing to assist sound Federal budget decisionmaking; and

(D) examining—

(i) the practicability of linking high performance green building life cycle stages with Federal budgets;

(ii) the effect that such a link would have in reducing barriers to the construction of high-performance green buildings and renovation of existing buildings; and

(iii) means by which to incorporate the short-term and long-term cost savings that accrue from high-performance green buildings.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2005 through 2010.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 201. GRANTS FOR SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency may provide grants to State educational agencies and local educational agencies for use in—

(1) providing intensive technical assistance for and assisting the implementation of the Tools for Schools Program of the Environmental Protection Agency; and

(2) development of State-level school environmental quality plans, in partnership with the Environmental Protection Agency, that may include—

(A) standards for school building design, construction, and renovation;

(B) identification of ongoing school building environmental problems in the State;

(C) proposals for the systematic improvement (including benchmarks and timelines) of environmental conditions in schools throughout the State, including with respect to—

(i) school building siting, construction, and maintenance;

(ii) indoor air quality;

(iii) pest control;

(iv) radon contamination;

(v) lead contamination;

(vi) environmentally preferable purchasing of products for instruction and maintenance;

(vii) hazard identification and remediation; and

(viii) maximization of transportation choices for students, staff, and other members of the community; and

(D) recommendations for improvements in the capacity of the State to track child and adult health complaints relating to schools.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out using funds from a grant under subsection (a) shall not exceed 90 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project or activity carried out using funds from a grant under subsection (a) may be provided in the form of cash or in-kind goods and services, including goods and services used to create prototypical designs.

(c) GRANT PRIORITY.—

(1) IN GENERAL.—In providing grants under this section for use in carrying out the program referred to in subsection (a)(1), the Administrator of the Environmental Protection Agency shall give priority to school districts that have a demonstrated need for environmental improvement.

(2) RESPONSIBILITY OF SCHOOL DISTRICTS AND STATE EDUCATIONAL AGENCIES.—

(A) SCHOOL DISTRICTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, each school district that receives funds from the Administrator of the Environmental Protection Agency to carry out a program described in subsection (a) shall submit to the State educational agency with jurisdiction over the school district a report that includes—

(i) a list of schools in the districts that, as of the date of the report, have accepted funds or other assistance from the Environmental Protection Agency for use in carrying out this section; and

(ii) an evaluation of the impact of the funds, including—

(I) general data regarding measures of student health and attendance rates before and after the intervention; and

(II) descriptions of toxic or hazardous cleaning, maintenance, or instructional products eliminated or reduced in use as part of the promotion or remediation of the indoor air quality of schools within the school district; and

(iii) basic information on the potential influence of other factors (such as the installation of carpet and HVAC systems and similar activities) on air quality.

(B) STATE EDUCATIONAL AGENCY REPORTS.—Not later than 180 days after the date on which each State educational agency has received the annual reports under subparagraph (A) from all participating school districts, the State educational agency shall submit to the Administrator of the Environmental Protection Agency and Congress a consolidated report of all information received from the school districts.

SEC. 202. FEDERAL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

(a) IN GENERAL.—Using as a model guidelines such as those of the ''Child Proofing Our Communities'' School Siting Committee of the State of California, the Administrator of the Environmental Protection Agency shall develop school site acquisition guidelines.

(b) VULNERABILITY.—The guidelines should contain an analysis of means by which to account for the special vulnerability of children to chemical exposures in any case in which the potential for contamination at a potential school site is assessed.

(c) ACCESSIBILITY.—The guidelines shall include an analysis of means by which to maximize transportation choices for students, staff, and other members of the community.

SEC. 203. EDUCATION RESEARCH PROGRAM.

The Administrator of the Environmental Protection Agency, in partnership with the Secretary of Education, shall carry out an education research program that—

(1) describes the status and findings of Federal research initiatives established under this Act and other Federal law with respect to education, including relevant updates on trends in the field, such as the impact of school facility environments on—

(A) student and staff health, safety, and productivity;

(B) students with disabilities or special needs; and

(C) student learning capacity;

(2) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(3) once the relevant metrics have been identified or developed in accordance with section 105, quantifies the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(4) cooperates with federally funded pediatric environmental health research centers to assist in on-site school environmental investigations;

(5) assists States and State entities in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this section.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for the period of fiscal years 2005 through 2010.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 301. GENERAL ACCOUNTING OFFICE.

(a) RESTRUCTURING OF CAPITAL BUDGETS.—Not later than 180 days after the date of submission of the report under 102(c), the Comptroller General shall—

(1) review the current budget process; and

(2) develop and submit to Congress an implementation plan for life-cycle costing that—

(A) identifies and incorporates the short-term and long-term cost savings that accrue from high-performance green buildings; and

(B) includes recommendations for—

(i) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(ii) the use of operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories); and

(iii) means by which Federal agencies may be permitted to retain and reuse all identified savings accrued as a result of the use of high-performance life cycle costing for future high-performance green building initiatives.

(b) AUDITS.—The Comptroller General may conduct periodic audits of a Federal project over the life of the project to inspect whether—

(1) the design stage of high performance green building measures were achieved; and

(2) the high performance building data were collected and reported to the Office.

TITLE IV—DEMONSTRATION PROJECT

SEC. 401. COORDINATION OF GOALS.

(a) IN GENERAL.—The Office shall establish guidelines for a demonstration project conducted as a public-private partnership to contribute to the research goals of the Office.

(b) PROJECTS.—In accordance with guidelines established by the Office under subsection (a) and the duties of the Office described in section 101(b), the individual appointed under section 101(a) shall carry out—

(1) for each of fiscal years 2005 through 2008, a demonstration project, in a Federal building selected by the Office in accordance with the criteria described in subsection (c)(1), that—

(A) provides for the evaluation and, as practicable, use of the information obtained through the conduct of projects and activities under this Act;

(B) requires at least 1 project or activity referred to in subparagraph (A) to achieve a platinum rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or equivalent rating), for each fiscal year; and

(C) requires the submission to the Office of an annual report describing recommendations for the use of information gathered as a result of programs carried out under this Act; and

(2) a demonstration project involving at least 4 universities, that, as determined by the Office in accordance with subsection (c)(2), have appropriate research capability and relevant projects to meet the goals of the demonstration project established by the Office.

(c) CRITERIA.—

(1) FEDERAL BUILDINGS.—With respect to the Federal building at which a demonstration project under this section is conducted, the Federal building shall—

(A) be an appropriate model for a project involving—

(i) location and design that promote access to the Federal building through walking, biking, and mass transit;

(ii) construction or renovation to meet high indoor environmental criteria;

(iii) deployment, and assessment of effectiveness, of high performance technologies;

(iv) analysis of life cycles of all materials, components, and systems in the building; and

(v) assessment of beneficial impacts on public health and the health of individuals that enter or work in the building; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental qualities;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) energy and environmental effectiveness throughout the life cycles of all materials, components, and systems deployed within the building; and

(vi) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a mild climate;

(C) each university shall agree that the focuses of the project shall be—

(i) the effectiveness of various high performance technologies in each of the 4 climatic regions of the United States described in subparagraph (B);

(ii) the identification of the most effective ways to use high performance building and landscape technologies to engage and educate undergraduate and graduate students; and

(iii) quantifiable and nonquantifiable beneficial impacts on public health and worker and student performance.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL DEMONSTRATION PROJECT.—There is authorized to be appropriated to carry out the Federal demonstration project described in section 401(b)(1) $5,000,000 for the period of fiscal years 2005 through 2010.

(b) UNIVERSITY DEMONSTRATION PROJECTS.—There is authorized to be appropriated to carry out the university demonstration projects described in section 401(b)(2) $10,000,000 for the period of fiscal years 2005 through 2010.

Mr. LAUTENBERG. Mr. President, I am pleased to join Senator JEFFORDS today in introducing the High-Performance Green Buildings Act. This legislation will reenergize the Federal Government's commitment to building design and construction into the 21st Century.

Buildings have an enormous impact on environmental quality, on energy

use, and on natural resource consumption. The statistics are staggering. Buildings devour 37 percent of the energy used in this country, including 68 percent of electricity. They are responsible for 35 percent of carbon dioxide emissions, the primary greenhouse gas associated with climate change. And they account for 49 percent of sulfur dioxide and 25 percent of nitrogen oxide emissions and generate 40 percent of the Nation's non-industrial waste stream. Moreover, building construction and demolition produce 136 million tons of waste in this country, and use 12 percent of potable water in the U.S. Mr. President, for too long these prodigious effects have gone unrecognized.

The impacts are even more far reaching than that. Since Americans spend an average of 90 percent of their time indoors, buildings have a considerable influence on public health. According to the Environmental Protection Agency, EPA, indoor air pollution concentrations may be two to five times, and in some cases 100 times, higher than in outdoor air. EPA scientists estimates that about 20,000 deaths occur related to indoor levels of radon, and that 3000 lung cancer deaths occur among nonsmoking adults due to second-hand smoke each year.

Experts at the Centers for Disease Control and Prevention, CDC, estimate that an additional 35,000 coronary disease deaths occur each year in this country among nonsmoking adults due to second-hand smoke. These losses do not include exposure to toxic pollutants emitted from building materials, such as adhesives, paints, carpets, and pressed-wood products, which many researchers believe to be significant. We must confront these environmental and public health challenges and to do so we need a vision for the future. Our legislation offers that vision.

High-performance green buildings are designed and constructed in ways that significantly reduce or eliminate negative effects on the environment, on energy use, and on resource consumption. They are also designed to reduce or eliminate harmful pressures on the health and productivity of building occupants. According to the U.S. Green Building Council, a national nonprofit organization, green design and construction practices are directed at five broad areas: 1. Sustainable site planning; 2. Safeguarding water and water efficiency; 3. Energy efficiency and renewable energy; 4. Conservation of materials and resources; and 5. Indoor environmental quality.

Green buildings have many benefits, and while the initial investment may be higher (although not necessarily) than for a traditional buildings, they significantly lower long-term costs for things such as heating and cooling. Since new government buildings are intended to be used for a long period of time—at least 50 years—it is easier to justify any initial higher investment costs. By improving working conditions and increasing daylighting, case studies have shown that green buildings improve occupant productivity and reduce employee absenteeism. This legislation would provide for research to capture and measure those impacts and incorporate the lessons learned into future construction.

The High-Performance Green Building Act focuses Federal Government efforts to promote the environmental, energy, health, and economic benefits that can be realized from green buildings. This legislation incorporates the findings of two reports that make recommendations for improving the Federal Government's role in relation to high-performance green buildings. The first report, ''Building Momentum: National Trends and Prospects for High-Performance Green Buildings,'' was prepared by the U.S. Green Building Council and the second report, ''The Federal Commitment to Green Building: Experiences and Expectations,'' was released by the President's Office of the Federal Environmental Executive.

Our legislation changes the way the Federal Government manages its thousands of buildings. The bill establishes an Office of High-Performance Green Buildings within the General Services Administration, GSA, which is the logical place for this office since this agency is the Federal Government's primary landlord. GSA manages over 8,700 buildings owned or leased by the United States. The new office will promote public outreach, coordinate and focus research and development, and improve life-cycle analysis and budgeting for building construction. This title also creates an Interagency Steering Committee to improve coordination across Federal agencies, and with state and local governments.

This bill would expand the role of EPA in supporting healthier buildings at the nation's schools. Schools can serve as the vanguard for the effort to protect our children's health and the environment, so this title authorizes the Agency to administer grants to state and local education agencies to support implementation of EPA's effective Tools for Schools Program. It also authorizes the Agency to develop Federal guidelines for school location siting that take into account the special vulnerabilities of children to the contamination of land and water.

This legislation would incorporate building life-cycle costing as a tool to achieve more efficient and economical long-term investments in government buildings, by requiring the Comptroller General to review the annual Federal budget process and submit a plan to reach these goals to Congress.

In closing, investing in green buildings is good public policy for a variety of reasons. Our bill will allow the Federal Government to take a leadership role in promoting green buildings. We have a commitment to our children and grandchildren to protect and conserve the planet's resources and to safeguard public health. I urge my colleagues to support this important bill.

By Mr. GRAHAM of Florida:

S. 2621. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Environment and Public Works.

Mr. GRAHAM. Mr. President, the Authorization for the Alternative Water Sources Act of 2000, which I originally introduced, expires this year. I am introducing a bill to extend this law for five years through Fiscal Year 2009 at an average authorization level of $25 million per year.

Our Nation's water supply needs are great and growing. For instance, each day the State of Florida adds 900 residents. To satisfy the water needs of this daily population increase, Florida must supply 200,000 more gallons of fresh water per day. Furthermore, the additional infrastructure needed to accommodate new residents blocks rainwater penetration into aquifers, lowering the water table. In fact, residents of Florida's west coast are increasingly resorting to drinking desalinated water as fresh water sources no longer suffice. Depletion of fresh water has resulted in saltwater intrusion into inland aquifers tainting water supplies and reducing the ability of soils to grow plants.

Other States are facing similar crises.

In southern New Jersey, water demands are so great that groundwater withdrawals from aquifers have lowered the water table by 200 feet, causing saltwater intrusion.

In Georgia and South Carolina, excessive water demand has significantly lowered water levels causing the upward migration of salt water in the Brunswick area and an encroachment of seawater into the aquifer at the northern end of Hilton Head Island.

On the East Coast, which gets on average 40 inches of rain per year, water resources have long been thought to be inexhaustible. However with changing population patterns and increasing personal and commercial water use, many water-rich areas are finding that the water will not always be there when they need it.

The extension of the Alternative Water Sources Act will provide States with the assistance they need to meet the needs of growing populations without harming the environment. It will also provide funds on a cost-shared basis to States for development of nontraditional water resources that will provide much needed water and prevent future environmental damages.

The bill I introduce today, authorizes the EPA to provide grants, at an average $25 million a year for Fiscal Years 2005 through 2009, on a cost-shared basis for alternative water source projects. The EPA administrator is required to take into account the eligibility of a project for funding under the existing programs when selecting

projects for funding under this nationwide program.

This law is critical to the environmentally friendly development of water resources in the United States. It authorizes funds for innovative water reuse, reclamation and conservation projects—helping many States meet current and future water supply.

Populations in water-rich areas are drawing increasingly on limited groundwater supplies. In the past, groundwater users in the East might have been characterized as private wells and small public water systems. Today, as people move away from traditional population centers along major rivers, groundwater use is increasing. In Pennsylvania, about six million people rely on groundwater.

Yet, trillions of gallons of fresh water in the United States are wasted and flood into the sea annually. For instance, in Florida, every year approximately 970 billion gallons of fresh water are diverted into canals that flow into the Gulf of Mexico and the Atlantic. This precious fresh water would otherwise have replenished aquifers or nourished fragile aquatic ecosystems. If properly captured and stored, this water could be used for industrial or commercial activities, reducing pressure on precious drinking water sources.

Our increasing water needs require immediate attention.

We continue to make progress in conservation. In the South Florida Water Management District, nearly 200 million gallons of water are being reused per day. However, demands remain great. For instance, each resident in South Florida uses nearly 175 gallons of fresh water per day—almost twice the national average. Much of this potable water is used for watering landscaping. We must find ways to reserve potable water for drinking and make better use of other sources of water for agricultural, commercial and outdoor watering purposes.

With innovations in water quantity management, we can curtail such tremendous wastes of water and reuse the water that supply storage facilities now cannot absorb.

In 1999, I sponsored S. 968, the Alternative Water Sources Act, which authorized funding for alternative water projects in States that do not receive funds for water supply projects. In 2000, my bill was incorporated into S. 835, the Estuaries and Clean Waters Act of 2000, which became Public Law 106–457. Unfortunately, the authorization for the Alternative Water Sources Act is due to expire this year. With our Nation facing many water quantity management issues, we must act now to renew the authorization.

Congress can provide tools to ensure that Americans have the water they need for a healthy and productive future. The Alternative Water Sources Act is one such tool, and we must not let it expire. I hope that Congress will approve an extension of the Act before the end of the year.

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

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

S. 2621

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

SECTION 1. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Section 220(j) of the Federal Water Pollution Control Act (33 U.S.C. 1300(j)) is amended in the first sentence—

(1) by striking ''$75,000,000'' and inserting ''$125,000,000''; and

(2) by striking ''2002 through 2004'' and inserting ''2005 through 2009''.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2622. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing along with Senator DOMENICI the ''Pecos National Historical Park Land Exchange Act of 2004''. This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the Park's boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park possesses exceptional historic and archaeological resources. Its strategic location between the Great Plains and the Rio Grande Valley has made it the focus of the region's 10,000 years of human history. The Park preserves the ruins of the great Pecos pueblo, which was a major trade center, and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the Park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the West. This Unit will directly benefit from the land exchange.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

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

S. 2622

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 ''Pecos National Historical Park Land Exchange Act of 2004.''

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term ''landowner'' means the 1 or more owners of the non-Federal land.

(3) MAP.—The term ''map'' means the map entitled ''Proposed Land Exchange for Pecos National Historical Park'', numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term ''Park'' means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior.

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretary of the Interior for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(1) be deposited in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange between the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met; or

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C).

(2) NOTICE.—The Secretaries shall submit to Committee on Energy and Natural Resources of Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the United States House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

Mr. DOMENICI. Mr. President, today, Senator BINGAMAN and I are introducing the ''Pecos National Historical Park Land Exchange Act of 2004''. This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

I am pleased to be working on this legislation again with Senator BINGAMAN. This bill is nearly identical to a bill that we worked on and marked up in the Energy and Natural Resources Committee in the 106th Session of Congress.

The bill will enable the Park Service to acquire a private inholding within the Pecos National Historic Park's boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as surplus and available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park is located between the Great Plains and the Rio Grande Valley and that has made it the focus of the region's 10,000 years of human history. The park preserves the ruins of the great Pecos pueblo—a major trade center—and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the Park, where this exchange is located, protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the west. This unit will directly benefit from the land exchange.

By Mr. SMITH (for himself, Mr. KOHL, and Mr. LUGAR):

S. 2623. A bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2–year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleagues, Senators KOHL and LUGAR to introduce this important piece of legislation. Legislation that will ensure the United States government does not turn its back on political asylees or refugees who are the most vulnerable citizens seeking safety in this great country of ours.

As many of you may know, Congress as part of Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) modified the SSI program to include a seven-year time limit on the receipt of benefits for refugees and asylees. This policy was intended to balance the desire to have people who emigrate to the United States to become citizens, with an understanding that the naturalization process also takes time to complete. To allow adequate time for asylees and refugees to become naturalized citizens Congress provided the seven-year time limit before the expiration of SSI benefits.

Unfortunately, the naturalization process often takes longer than seven years because applicants are required to live in the United States for a minimum of five years prior to applying for citizenship and the INS often takes three or more years to process the application. Because of this time delay, many individuals are trapped in the system faced with the loss of their SSI benefits.

If Congress does not act to change the law, reports show that over the next four years nearly 30,000 elderly and disabled refugees and asylees will lose their Supplemental Security Income (SSI) benefits because their seven-year time limit will expire before they become citizens. Many of these individuals are elderly who fled persecution or torture in their home countries. They include Jews fleeing religious persecution in the former Soviet Union, Iraqi Kurds fleeing the Saddam Hussein regime, Cubans and Hmong people from the highlands of Laos who served on the side of the United States military during the Vietnam War. They are elderly and unable to work, and have become reliant on their SSI benefits as their primary income. To penalize them because of delays encountered through the bureaucratic process seems unjust and inappropriate.

I would like to share the story of Yelena, a victim of religious persecution in the former Soviet Union who sought refuge in the United States seven years ago and is currently living in Portland, Oregon. At the age of 82, Yelena relies on SSI and other public benefits programs to buy food and pay her monthly bills. Yelena is now stuck in a multi-year backlog waiting for her green card, the first step toward citizenship. She was raised in a small village in the Soviet Union where she had little access to formal education and never learned English. She has struggled to grasp the language since arriving in the US and as a result, her seven-year anniversary arrived before she was able to naturalize. Yelena is now without her SSI benefits and still fighting to become a citizen. We must help Yelena and others like her.

The Administration in its fiscal year 2005 budget acknowledged the necessity to correct this problem by dedicating funding in its budget to extend refugee eligibility for SSI beyond the seven-year limit. While I am pleased that they have taken the first step in correcting this problem, I am concerned the policy does not go far enough. Data shows that most people will need at least an additional two years to navigate and complete the naturalization process. Therefore, my colleagues and I have introduced this bill, which will provide a two-year extension. We believe this will provide the time necessary to complete the process.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman GRASSLEY and other members of the Finance Committee to secure these changes.

Mr. KOHL. Mr. President. In December, 2003, the U.S. government unexpectedly announced plans to resettle up to 15,000 Hmong refugees from Laos currently living in Thailand. These refugees will be reunited with some 200,000 Hmong family members who were resettled here in the years after the Vietnam War, some as recently as the 1990s. Many of these Hmong fought with the CIA in Laos during the Vietnam War, providing critical assistance to U.S. forces. After the fall of Saigon, thousands of Hmong fled Laos and its communist Pathet Lao government. The United States remains indebted to these courageous individuals and their families.

While we work with the Department of Health and Human Services to identify funds to help these new refugees resettle, it is extremely important that we act to help those refugees and asylees already living in the United States. In addition to the Hmong, America has served as a shelter for Jews and Baptists fleeing religious persecution in the former Soviet Union; and for Iraqis and Cubans escaping tyrannical dictatorships. Our policy toward refugees and asylees embodies the best of our country—compassion, opportunity, and freedom. I am proud of the example our policies set with respect to the treatment of those seeking refuge.

But I am disappointed in our decision to allow these people to enter the country and then deny them the means to live. Thousands of people who fled religious and political persecution to seek freedom in the U.S. will now be punished by a short-sighted policy. A provision in the 1996 welfare reform bill restricted the amount of time that elderly and disabled refugees and asylees could be eligible for Supplemental Security Income (SSI) benefits. These benefits serve as a basic monthly income for individuals who are 65 or older, disabled or blind. Over the next 4 years, it is estimated that 40,000 refugees and political asylees could lose these important benefits on which they often rely.

The 1996 welfare law included a 7-year time limit on SSI benefits for legal humanitarian immigrants. In order to avoid losing this important support, refugees and asylees must become citizens within the 7-year limit. Unfortunately, this has proved impossible for far too many. The process of becoming a citizen only truly begins after a refugee has resided in the U.S. for 5 years as a lawful permanent resident. And beyond that, there are many other barriers, such as language skills and processing and bureaucratic delays within the various agencies, which an immigrant must overcome before they become naturalized. Beginning in 2003, immigrants trapped in this process—too often the most vulnerable elderly and families—began to lose their SSI benefits with no hope of recourse.

This inherent flaw in the system has to be changed. That is why Senators SMITH, LUGAR and I are introducing the SSI Extension for Disabled and Elderly Refugees Act. This legislation extends the amount of time that refugees and asylees have to become citizens to nine years. The legislation will retroactively restore benefits to many who have already lost them, and will protect those who are scheduled to lose benefits in the next two years.

I cannot stress how important this legislation is to many in the State of Wisconsin. Just last month, an article in the Green Bay Press-Gazette told of the difficulties facing 79-year-old Sia Xiong, a Hmong refugee who could lose benefits in the coming months. Like many elderly refugees, she doesn't know English, which poses a huge barrier in her application for citizenship. Despite the assistance that has been given to refugees like Xiong from agencies such as Lutheran Social Services or Kajsiab House or the Neighborhood Law Project in Madison, the length of the naturalization process has proved overwhelming to too many refugees.

Congress must take action immediately to help people like Xiong, and her family. In addition to the Hmong population in Wisconsin, almost every State in the country is home to immigrants who will be affected by the limit. Our country has long been a symbol of freedom, equality and opportunity. Our laws should reflect that. Every day that goes by could result in the loss of a refugee's support system—I urge my colleagues to support this legislation and restore the principles we were put here to protect.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, Mr. LEVIN, and Mr. REID):

S. 2624. A bill to require the United States Trade Representative to pursue a complaint of anti-competitive practices against certain oil exporting countries; to the Committee on Finance.

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, with Senators DURBIN, LEVIN and REID, with Congressman DEFAZIO in the House, to bring fairness to the oil markets and do something to reverse the recent spikes in gas prices.

Our legislation will force the United States Trade Representative (USTR) to initiate World Trade Organization (WTO) proceedings against OPEC nations. Under WTO rules, countries are not permitted to maintain export quotas. But OPEC nations actually collude to set such quotas.

OPEC is an illegal cartel, plain and simple. We've allowed this cartel to operate for too long—it's time to put an end to it.

The American people are feeling the effects of the OPEC cartel every day at the gas pumps. Many families are already struggling with lost jobs, stagnant wages and the rising costs of health care. High gas prices have only made matters worse.

When President Bush took office, a gallon of gas cost $1.47. Today, a gallon of gas averages $1.90. For someone who buys one tank of gas a week, that increase costs $350 per year.

All this adds up. Oil imports now account for $125 billion annually, or one-quarter of America's trade deficit. That money could be invested here at home to create American jobs, but instead we are being gouged by oil exporters.

While Americans suffer, President Bush has done nothing to bring down gas prices. He says he will talk to his Saudi friends in the oil business. But talk is cheap. The American people want action. This bill today is an opportunity for action.

I have also released a report today, explaining the basis for a WTO complaint against OPEC.

In some ways, the allegations are simple and straightforward: OPEC manipulates world oil markets by imposing export quotas on oil. These quotas keep the price of oil artificially high.

Without OPEC, market analysts have estimated that the free market price of a barrel of oil would be around 10 to 15 dollars lower than today's price. That would make a difference in gas prices of 20 to 45 cents per gallon, saving American families hundreds of dollars per year. There is no reason to continue to tolerate OPEC's anti-competitive behavior.

Collusion to put quotas on oil exports—or any exports—is illegal under WTO rules. For example, the WTO has found that a treaty between the United States and Japan limiting semiconductor exports violated WTO rules.

The Bush administration has been lax in dealing with OPEC. In my view, President Bush's ties to the Saudis and to big oil companies prevent him from sticking up for the American consumer.

Indeed, while the squeeze was being put on American consumers, oil companies and refineries reported record profits in the first quarter of this year for operations in the United States. Earnings for U.S. domestic refining and marketing operations increased by 294 percent for Chevron-Texaco, 165 percent for BP, 125 percent for ExxonMobil, and 44 percent for ConocoPhillips over last year's levels.

So while OPEC and their oil company allies have seen a boom, American families have seen a bust. In fact, for those middle-income Americans who will see any benefit at all from the recent tax cuts, rising gas prices alone will eat up half of those cuts.

Since the Bush administration has failed to live up to its responsibilities, it's time for the Congress to stand up for the American people and force it to take action against OPEC.

I urge support of this common-sense legislation, and 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. 2624

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Gasoline prices have risen 80 percent since January, 2002, with oil recently trading at more than $40 per barrel for the first time ever.

(2) Rising gasoline prices have placed an inordinate burden on American families.

(3) High gasoline prices have hindered and will continue to hinder economic recovery.

(4) The Organization of Petroleum Exporting Countries (OPEC) has formed a cartel and engaged in anti-competitive practices to manipulate the price of oil, keeping it artificially high.

(5) Six member nations of OPEC—Indonesia, Kuwait, Nigeria, Qatar, the United Arab Emirates and Venezuela—are also members of the World Trade Organization.

(6) The agreement among OPEC member nations to limit oil exports is an illegal prohibition or restriction on the exportation or sale for export of a product under Article XI of the GATT 1994.

(7) The export quotas and resulting high prices harm American families, undermine the American economy, impede American and foreign commerce, and are contrary to the national interests of the United States.

SEC. 2. ACTIONS TO CURB CERTAIN CARTEL ANTI-COMPETITIVE PRACTICES.

(a) DEFINITIONS.—

(1) GATT 1994.—The term ''GATT 1994'' has the meaning given such term in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B).

(2) UNDERSTANDING ON RULES AND PROCEDURES GOVERNING THE SETTLEMENT OF DISPUTES.—The term ''Understanding on Rules and Procedures Governing the Settlement of Disputes'' means the agreement described in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(3) WORLD TRADE ORGANIZATION.—

(A) IN GENERAL.—The term ''World Trade Organization'' means the organization established pursuant to the WTO Agreement.

(B) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(b) ACTION BY PRESIDENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall, not later than 15 days after the date of enactment of this Act, initiate consultations with the countries described in paragraph (2) to seek the elimination by those countries of any action that—

(A) limits the production or distribution of oil, natural gas, or any other petroleum product,

(B) sets or maintains the price of oil, natural gas, or any petroleum product, or

(C) otherwise is an action in restraint of trade with respect to oil, natural gas, or any petroleum product,

when such action constitutes an act, policy, or practice that is unjustifiable and burdens and restricts United States commerce.

(2) COUNTRIES DESCRIBED.—The countries described in this paragraph are the following:

(A) Indonesia.

(B) Kuwait.

(C) Nigeria.

(D) Qatar.

(E) The United Arab Emirates.

(F) Venezuela.

(c) INITIATION OF WTO DISPUTE PROCEEDINGS.—If the consultations described in subsection (b) are not successful with respect to any country described in subsection (b)(2), the United States Trade Representative shall, not later than 60 days after the date of enactment of this Act, institute proceedings pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes with respect to that country and shall take appropriate action with respect to that country under the trade remedy laws of the United States.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2625. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today with my colleague, Mr. WYDEN, to introduce the ''Friends of the Children National Demonstration Act'' to authorize funding for Friends of the Children.

Friends of the Children is a promising early intervention program established in Portland, Oregon, in 1993. The program identifies the most disadvantaged children at the kindergarten or first grade level and matches those children with ''professional mentors'' (also known as ''Friends''). Once matched, professional mentors work with children for a period of up to 12 years.

Started over a decade ago with just three Friends serving as mentors to 24 children, Friends of the Children has grown to serve over 600 children in 11 communities throughout the United States. The mission of Friends of the Children is to help our Nation's most disadvantaged children to develop the relationships, goals, and skills necessary to break the cycles of poverty, abuse, and violence in order to become a contributing member of society.

Extensive research has shown that the single most important factor that fosters resiliency in children is having a long-term relationship with a caring, supportive adult. Friends of the Children is a unique program that provides just such a relationship for disadvantaged children.

In 1993, Friends of the Children welcomed T.R., a first grader, into the Portland program. At home, T.R. was routinely exposed to drug use, gang activity, and violence. Through the program, T.R. was matched with his mentor, Jerrell, to help maintain a support system in T.R.'s life. Jerrell tutors, counsels, advises and is a companion to T.R. whether it is discussing T.R.'s plans for the future or dealing with his family relationships. Without the help of someone like Jerrell, T.R. believes that he would probably have dropped out of school or joined a gang. Now, T.R. is giving back to his community by working for Self Enhancement, Inc., an organization that teaches leadership skills to middle school students. T.R. has overcome great adversity to mature into a responsible young adult. T.R. aspires to pursue a career in business and would like to run his own company one day.

Last week, T.R. became one of the first students to graduate from the Friends of the Children program. Along with his classmates, T.R. was identified by the program over a decade ago. He was part of a group of children identified as the most in danger of abuse, neglect, juvenile delinquency, gang and drug involvement, school failure, and teenage pregnancy. Today, these children have grown into young adults. They have positive values and show great potential to become healthy, productive members of their communities.

''The Friends of the Children National Demonstration Act'' will establish a national demonstration project to promote learning about successful early and sustained childhood intervention programs. This bill would authorize funding for Friends of the Children activities and local program operations at existing sites including ongoing evaluation, and dissemination of findings for the benefit of policy makers and other youth programs.

I look forward to working with my colleagues to enact this bill and make a commitment to improving the lives of disadvantaged children and youth.

Mr. WYDEN. Mr. President, I am introducing today, along with my colleague, Senator SMITH, the ''Friends of the Children National Demonstration Act'' to authorize funding for Friends of the Children. The companion of this bill is being introduced in the House today by Congressman EARL BLUMENAUER.

This innovative program is truly a best practice in the field of youth development. Friends of the Children was started in Portland, OR, and was modeled on extensive research indicating that the strongest protective factor for highly disadvantaged children is an ongoing relationship with a supportive, caring adult. Today, Friends of the Children is the only program in the Nation that provides carefully screened full-time professional mentors to disadvantaged youth for 12 years starting in kindergarten or first grade. Friends of the Children's first class of students is now graduating. These young people have outperformed their peer group of disadvantaged youth in every respect. They are in school, have passing grades, have not been incarcerated, do not abuse drugs or alcohol, and have not become involved in gang violence.

Let me share the story of one of these friends. In 1993, a first grader named Demarcus joined the Friends of the Children-Portland program in an attempt to overcome a family history of substance abuse and violence. His mother was raising three children as a single parent and she was overwhelmed. As a participant in the Friends of the Children program, Demarcus was matched with a ''Friend,'' Ruben, who has been his mentor for the past eight years. Ruben and Demarcus have developed a strong relationship through activities ranging from playing basketball to having serious conversations about life and preparing for the future. Ruben has helped

Demarcus develop anger management skills and maturity. While many of Demarcus's friends and family have been incarcerated or have been victims of gun violence, Demarcus is a success story. Now 17 years old, he is a responsible young man who makes good choices and knows that actions have consequences. When he graduates from high school, he hopes to work toward becoming a pilot, either by joining the military or attending college. Friends of the Children mentors have been major supporters of Demarcus and his goal to attain higher education. The mentors have helped him grow into the focused young adult he is today.

Last week in Portland, the first class of Friends of the Children, including Demarcus, graduated from the program. By all accounts these children have beaten the odds and are success stories. Twelve years ago these young people were identified by their elementary schools as most likely to fail. Today, they are soon-to-be high school graduates.

Currently, Friends of the Children serves over 600 children in 11 communities across the United States. ''The Friends of the Children National Demonstration Act'' will establish a national demonstration project to promote learning about successful early and sustained childhood interventions. This bill would authorize funding for Friends of the Children activities and local program operations at existing sites, ongoing evaluation, and dissemination of findings for the benefit of policy makers and other youth-serving programs.

I look forward to working with my colleagues to pass this bill and make a commitment to improving the lives of disadvantaged children and youth.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LEVIN, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, Mr. PRYOR, Mr. VOINOVICH, Mr. JOHNSON, Mr. DAYTON, Mr. LIEBERMAN, and Mr. LAUTENBERG):

S. 2628. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce the Federal Employee's Protection of Disclosures Act. Last year I introduced similar legislation, S. 1358, to amend employee safeguards for disclosing government waste, fraud, and abuse with the support of Senators GRASSLEY, LEVIN, LEAHY, DURBIN, DAYTON, PRYOR, JOHNSON, and LAUTENBERG.

Today, I am pleased that we can introduce a strong bipartisan version of this legislation with the additional support of Senators COLLINS, LIEBERMAN, FITZGERALD, and VOINOVICH. Thanks to the work of the bill's cosponsors, we have developed legislation that strikes the right balance between the protection of Federal whistleblowers and our national security.

As my colleagues know, the events of September 11, 2001, have brought renewed attention to the security lapses at our Nation's airports, nuclear facilities, borders, and law enforcement agencies. However, in many cases, the current whistleblower system fails to protect those who would disclose information that could ensure the safety and welfare of the American people. As of May 2004, Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit Court of Appeals only once since 1994. This record sends the wrong message. How can we expect civil servants to protect and defend the United States when we permit agencies to retaliate against them for doing their job?

I know the Department of Justice (DOJ) has objected to previous legislation concerning this problem. This comes as no surprise as the Department has an institutional conflict of interest with restoring whistleblower rights as it is charged with defending agencies charged with retaliating against the whistleblower. Nonetheless, I have worked with my colleagues on the Governmental Affairs Committee to address some the concerns raised by the Justice Department while still protecting federal employees.

One of the most significant changes in the bill relates to the protection of employees who find their security clearances stripped as a means of retaliation for blowing the whistle. Current law does not permit the whistleblower to have his or her case heard by an independent adjudicator when this type of retaliation occurs.

Under our bill, the whistleblower would be able to bring a case before the Merit Systems Protection Board (MSPB) on an expedited basis when the employing agency revokes, suspends, denies, or makes another determination in relation to an employee's security clearance or access to classified materials. However, the employing agency need only prove by a preponderance of the evidence that it would have taken the action against the employee irrespective the whistleblower's disclosure. By lowering the burden of proof for the employing agency from clear and convincing, as is the standard with other whistleblower cases, to preponderance of the evidence, our legislation strikes a balance between having an open and transparent process for whistleblowers and the need to make security clearance or access determinations in the interests of national security.

The Department of Justice was also concerned with a provision in the prior bill, S. 1358, which granted independent litigating authority to the Special Counsel. In testimony before the Governmental Affairs Committee last November, the Department claimed that extending this authority to the Special Counsel would usurp DOJ's traditional unifying role as the Executive Branch's representative in court. The Department also claimed that the provision would undermine a number of important policy goals, including the presentation of uniform positions on significant legal issues and the objective litigation of cases by attorneys unaffected by concerns of a single agency that may be inimical to the interests of the Government as a whole.

However, many agencies have independent litigating authority, including the Equal Employment Opportunity Commission, the MSPB, the Environmental Protection Agency, and the Federal Labor Relations Authority. Moreover, interagency disputes are not unique. It is inappropriate for the Office of Special Counsel (OSC), the agency charged with protecting the Whistleblower Protection Act (WPA), to seek approval from DOJ, the agency charged with protecting agencies alleged to have retaliated against whistleblowers, in order to carry out its mission. Nonetheless, our bill would not provide the Special Counsel with independent litigating authority but rather provide it with independent authority to file amicus briefs with federal courts. This authority will allow the Special Counsel to protect the WPA while addressing concerns raised by the Justice Department.

In addition, our compromise measure would still provide protection to whistleblowers subject to retaliatory investigations, but not for routine or nondiscretionary investigations of the employee and codify the definition of reasonable belief an employee must have in order to determine when an employee has made a protected disclosure. I am pleased that our new bill, among other things, retains language restoring congressional intent regarding the definition of a protected disclosure, codifying the anti-gag provision that has been in every appropriations law since 1988, and establishing a more reasonable test for determining government mismanagement instead of irrefragable proof. According to the Federal Circuit, in order to determine that the federal government has engaged in gross mismanagement, the whistleblower must have irrefragable proof, meaning proof impossible to refute.

The bill also retains language, subject to a five-year sunset, providing whistleblowers the opportunity to have their cases heard by federal courts other than the Federal Circuit Court of Appeals. These provisions are necessary to facilitate disclosures of government mismanagement in order for Congress to do its job and make informed decisions when carrying out its legislative, appropriation, and oversight functions for the protection the American people.

Our government is responsible for services and programs that touch all

Americans. The Federal employees who carry out these responsibilities on behalf of the American people must be able to communicate with Congress without fear of losing their jobs when reporting threats to public health and safety and government mismanagement. We must have a credible and functioning WPA. I urge my colleagues to support this bipartisan bill and ensure real protection for Federal whistleblowers.

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. 2628

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

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross management, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee would reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''.

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

'' 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the

Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b)(8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 77 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 2635. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of Federal, State, and local governments; to the Committee on Governmental Affairs.

Ms. COLLINS. Mr. President, the United States and Israel share a strong and enduring friendship. We also share the threat of terrorist attacks against our citizens. Yet, while terrorism within our borders is relatively new to us, Israelis have confronted this danger for decades. Israel's long history of fighting terrorism has spurred Israeli businesses, researchers and academics to develop highly sophisticated homeland security technologies, particularly in the fields of border integrity, transportation security, and first responder equipment. As the United States pursues new approaches to protecting our Nation, it only makes sense to look to Israel's extensive expertise in this area.

This is why I am introducing legislation with Senator LIEBERMAN to establish a program to provide funds to eligible joint ventures between American firms and businesses in countries such as Israel that are already highly focused on the homeland security issue and have demonstrated the capacity for fruitful cooperation with America in the area of counterterrorism.

This program will act as a revolving fund to develop new homeland security technologies. As these technologies are deployed and become profitable, the businesses that developed them will be required to repay the program for the amount of the funds. This requirement, which has worked for similar existing programs, will help sustain the availability of funds for future funds.

The program will be managed by the Department of Homeland Security. It will dedicate $25 million toward these joint ventures that develop, manufacture, sell, or otherwise provide products and services with applications related to homeland security.

This legislation will build upon a number of other highly successful public-private partnerships between businesses in the United States and those located in countries such as Israel. Since its founding in 1977, the Bi-National Industrial Research and Development Foundation (BIRD) has created numerous research and development partnerships between American and Israeli businesses. The BIRD Foundation has invested $180 million in 600 projects during the past 27 years. Similar partnerships also exist in the development of agricultural, defense, telecommunications, and other technologies. This record demonstrates the potential of a similar binational foundation in the area of homeland security.

As recent international events have demonstrated, the fight against terrorism knows no borders. This legislation will enable our Nation to deploy the highest quality and most innovative tools to improve our homeland security. I ask you to join me in supporting this effort to enhance our Nation's fight against terrorism.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 401—DESIGNATING THE WEEK OF NOVEMBER 7 THROUGH NOVEMBER 13, 2004, AS ''NATIONAL VETERANS AWARENESS WEEK'' TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY.

Mr. BIDEN (for himself, Mr. ALLEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mrs. DOLE, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Ms. SNOWE, Mr. SPECTER, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WYDEN, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 401

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 10, 2003, President George W. Bush issued a proclamation urging all the people of the United States to observe November 9 through November 15, 2003, as ''National Veterans Awareness Week'': Now, therefore, be it

Resolved,

SECTION 1. NATIONAL VETERANS AWARENESS WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of November 7 through November 13, 2004, as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) calling on the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

SENATE CONCURRENT RESOLUTION 121—SUPPORTING THE GOALS AND IDEALS OF THE WORLD YEAR OF PHYSICS

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 121

Whereas throughout history, physics has contributed to knowledge, civilization, and culture around the world;

Whereas physics research has been and continues to be a driving force for scientific, technological, and economic development;

Whereas many emerging fields in science and technology, such as nanoscience, information technology, and biotechnology, are substantially based on, and derive many tools from, fundamental discoveries in physics and physics applications;

Whereas physics will continue to play a vital role in addressing many 21st-century challenges relating to sustainable development, including environmental conservation, clean sources of energy, public health, and security;

Whereas Albert Einstein is a widely recognized scientific figure who contributed enormously to the development of physics, beginning in 1905 with Einstein's groundbreaking papers on the photoelectric effect, the size of molecules, Brownian motion, and the theory of relativity that led to Einstein's most famous equation, $E = mc^2$;

Whereas 2005 will be the 100th anniversary of the publication of those groundbreaking papers;

Whereas the General Assembly of the International Union of Pure and Applied Physics unanimously approved the proposition designating 2005 as the World Year of Physics; and

Whereas the Department of Energy is the leading source of Federal support for academic physics research, accounting for a majority of Federal funding for physics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the World Year of Physics, as designated by the