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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 12, 2005, at 12:30 p.m.

Senate

MONDAY, APRIL 11, 2005

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

The PRESIDING OFFICER. The opening prayer will be given by our guest Chaplain, COL Ralph G. Benson, Pentagon Chaplain.

PRAYER

The guest Chaplain offered the following prayer:

Won't you pray with me.

Lord God, Creator and Sustainer of the universe. You uplift us in times of prosperity and comfort us in times of want. You are the still small voice who reminds us of all that is good, all that is holy, all that is just. We live in an unstable world. Yet You, O Lord, are never changing, all forgiving, all merciful, all holy.

Provide today, O Lord, Your divine guidance and blessing. Allow our Senators to hear Your still small voice. Open their discussions to that which will bless our people and crown our Nation with blessing.

Enable us to avoid the pitfalls of sin and direct us to those decisions that are merciful, holy, and true. May we magnify Your will through our endeavors in Government today. For indeed, Lord, our desire is to please You and to follow the leadings of Your divine will. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE
PRESIDENT PRO TEMPORE,
Washington, DC, April 11, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will begin this afternoon with a period for morning business to allow Senators to make statements and introduce legislation. At 3 p.m. today, Chairman COCHRAN will be here to begin consideration of the Emergency Supplemental Appropriations Act for defense, the global war on terror, and tsunami relief. I expect opening statements on that bill during the afternoon. I also hope if Senators have amendments, they will begin to offer those amendments during today's session. At the very least, Senators should notify the cloakrooms of their desire to offer specific amendments so that the chairman and ranking member may begin the process of scheduling their considerations.

I remind all Senators we have a vote scheduled this afternoon at 5:30 on the confirmation of a U.S. district judge. That is the nomination of Paul Crotty to the Southern District of New York. In addition to that vote, we have a resolution relating to airbus that we will likely schedule for a rollcall vote. Therefore, Senators can expect at least two votes today. I add that if amendments are offered to the appropriations bill today, I will also be talking to the managers of the bill and the Democratic leader about scheduling votes on those as well.

This important bill provides necessary funds for the ongoing operations in Iraq and Afghanistan, as well as additional funding for humanitarian assistance related to the tsunami. I hope the Senate will act effectively and efficiently on this appropriations bill and use the underlying legislation as focus of the intent of this bill and not as target practice for other amendments. There has been a lot of discussion over the issue of immigration. I believe the Senate will need to address immigration reform. However, this is not the place for comprehensive immigration reform. We need to be thoughtful and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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deliberate on that issue and not allow funding for our troops to become ensnarled in that national debate. The Democratic leader and I have begun discussions on the aspect of how we might address immigration. I do urge our colleagues to show restraint on this issue and on other issues that will clearly slow down this emergency spending bill.

Having said that, we will have a very busy week on the bill. We can expect full sessions and well into some evenings as we consider this legislation. I do thank my colleagues.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

U.S. CAPITOL POLICE

Mr. REID. Mr. President, before the Republican leader leaves the floor, I would like to say, through the Chair, that Senator FRIST and I were in his office when we were approached by the Sergeant at Arms about an incident in front of the Capitol. People were able to watch on national TV what took place. Parts of the building were evacuated.

The reason I mention this, without going into a lot of detail, is because of the great police force we have that takes care of the U.S. Capitol. They did work that was brilliant. I spoke to the Sergeant of Arms before we went into session. What they did to get ready to take that man down was extraordinary.

We have the finest trained police force anyplace in the country. I would put our men and women up against anyone else. They do such a wonderful job. I express my appreciation for the whole Senate for the work of the Sergeant at Arms and Chief Gainer. This is professionalism at its best.

What we do not see, of course, are the many times when they work off camera, when they do it late at night in various parts of this building where there are not a lot of people watching them.

Mr. President, again, I applaud and congratulate every member of our Capitol Police force.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 25

Mr. FRIST. Mr. President, I ask unanimous consent that following the 5:30 p.m. vote today, the Senate then immediately proceed to consideration of S. Con. Res. 25; provided further, the Senate then proceed to a vote on adoption of the concurrent resolution, with no intervening action or debate, and no amendments in order to the resolution or preamble.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. BYRD. Mr. President, am I recognized?

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. BYRD. I thank the Chair. Mr. President, my speech will probably need 40 minutes. I ask unanimous consent that I may utilize as much time as I need.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. BYRD. I thank the Chair.

THE GASOLINE CRISIS—A TIME FOR ACTION

Mr. BYRD. Mr. President, in my home State of West Virginia and all across America, our people are frustrated and outraged with the soaring cost of gasoline.

The rising cost of gasoline means workers in West Virginia are seeing their paychecks dramatically reduced by the simple fact that they have to drive to get to work and to get back home. It is darned difficult and expensive for a coal miner to pay $2.25 a gallon to drive his pickup truck to work on the two-lane, hilly, winding roads of West Virginia.

Noting that West Virginians have become ''hawkish about watching gas prices,'' the Charleston, WV, Gazette of March 11, 2005, pointed out that they ''have few mass transportation options, travel farther to work, and often traverse [much] more rugged terrain.''

Automobiles are essential for West Virginians to get to work. According to Census data, although West Virginia is a relatively small State, workers in West Virginia spend more time commuting to work than the national average.

Mr. President, 86 percent of West Virginians use cars or trucks to get to work, and nearly 75 percent of West Virginians commute by themselves in their pickup trucks and other such vehicles.

The percentage of people in West Virginia who own a pickup truck is almost double the national average. Nearly one-third of West Virginians must travel outside their home county to get to work. Let me say that again. Nearly one-third of West Virginians must travel outside their home county to get to work, a figure that is 17 percent above the national average, and an average West Virginian drives more miles—now get this—the average West Virginian drives more miles each year than average Americans throughout the rest of the country.

The point is this: West Virginians rely on their cars and their pickup trucks to keep West Virginia working. Large, rugged vehicles are not an expensive luxury for workers in West Virginia and in many other rural States, and anyone who has tried to navigate the narrow, uphill climbs of West Virginia's mountains by weaving around corners, constantly slowing, constantly accelerating and stopping and starting knows the need for these rugged vehicles and, regrettably, the cost of fueling them.

Imagine navigating that kind of terrain not only to work but also in getting children to school, as well as to the grocery store.

The frustration and the outrage of West Virginians paying $25, $30, and $45 just to gas up is certainly understandable.

Family budgets already strained by the rising costs of health insurance, the rising costs of college tuition, and other everyday expenses are being stretched even thinner by these record-breaking gasoline prices in West Virginia. West Virginia's small businesses depend on deliveries. Floral shops, pizza parlors, produce shippers, taxi companies, construction and remodeling businesses, plumbers, electricians, landscapers are finding it harder to make ends meet. Many are going out of business.

I recently read of an independent trucker who lives and works in Norfolk, VA, telling the Christian Science Monitor that last year she paid more than $250 a week for fuel, and that was making her life as a single parent very difficult. She was even forced to decide between paying a doctor bill for her child or buying new tires for her truck. Guess who lost. ''My truck lost,'' she explained.

Today's record high gasoline prices in West Virginia are affecting literally everyone from commuters, consumers, and businesses to public and private agencies. Meals on Wheels programs are having trouble delivering meals. Think of it. Local governments already straining to pay for essential services in these days of cutbacks in Federal assistance are simply overwhelmed in their efforts to keep schoolbuses, police cars, firetrucks, and other city and county vehicles in operation. What a shame.

The damage is devastating and is everywhere. Last year, polling data showed that more than half of the American people said the rising cost of gasoline had been hard on them financially while more than a third said it had caused them serious problems. U.S. consumer confidence fell for a third month in March, and this is being attributed to the cost of gasoline. It is awful. It is terrible.

At one time, inflation was called the cruelest tax. Soaring energy costs are the ecumenical tax. Did everyone get that? Soaring energy costs are the ecumenical tax. Why? They tax everyone with a car or a truck—everyone, regardless of race, sex, age, occupation. Low-income workers are being hit the hardest, however, as they usually have to travel the farthest to work because of the need for affordable housing. They have less access to mass transportation. One can understand that when they look at those mountains in West Virginia. And they drive older, less fuel-efficient vehicles.

As the American people cry out for help in this current crisis, what do they do? They look to Washington for action. The White House's response to this outcry has been to moan and groan about the failure of Congress to pass its so-called energy plan and recycle old legislation.

When it comes to dealing with today's energy mess, the White House is out of gas. For three Congresses, an energy bill has clanged about Washington like Marley's ghost. The administration's national energy policy has been drafted by special interests, ironed out behind closed doors now and presented as a fait accompli for Members to support, take it or leave it. But the national energy policy in its totality would do little to seriously address our energy needs now or in the long term.

The only major provisions that might provide tangible progress are the energy tax incentives, but these, too, could be a mirage as the President's proposed fiscal year 2006 budget only provides $6.7 billion over the next 10 years for all energy incentives, only about a third of what was provided 2 years ago in the Senate Energy bill. Analysis by the Department of Energy's own Energy Information Administration, EIA, of the Energy bill of the 108th Congress has clearly shown that the bill would have a negligible impact on increasing production, reducing consumption, lowering imports, or affecting energy prices. Now, take that home for dinner.

Furthermore, this administration actually significantly slashes funding for oil and gas research programs. Like its agricultural policies, the administration's energy policy promises the American people a rose garden. It ruminates with much rhetoric but then fails to fertilize with funding.

While the White House has failed to propose any serious policy options or take any action to remedy the current crisis, I am suggesting that it is time—it is time, I say to the White House—to get serious. It is time that this Nation makes the necessary investments so we can reduce our dependence on foreign oil.

What does this mean? It means getting the next generation of vehicles on the road. It means investing in fuels that can be made from domestically secure sources such as agricultural residues and through coal gasification. It means investments in building. It means upgrading our refining and pipeline infrastructure in order to move our petroleum products to market.

At the end of the day, it requires that we set our sights on the goal of getting off foreign oil. Senator BINGAMAN sent a letter to the Secretary of Energy and the Administrator of the Environmental Protection Agency in April 2004. That letter laid out 13 concrete actions that President Bush could take to respond to high gasoline prices. I concurred with many of these recommendations in a letter to the President myself in May 2004. However, this administration has not followed through on any of these suggestions.

Right now, more than ever, what we need are not only long-term policies but also near-term programs and actions that address the immediate problem. For one thing, as the great British economist John Maynard Keynes reminded us, ''In the long run we are all dead.''

I am also reminded of the response that an aide to President Franklin Roosevelt gave when asked why the administration was acting so quickly and forcefully at the time to put people back to work during the dark days of the Great Depression—I lived in them—when in the long run market forces would eventually do it. The aide, Harry Hopkins, snapped: People do not eat in the long run. They eat every day.

While we do need long-term energy policies to reduce our dependency on foreign energy, we still drive cars every day during the dark days of these soaring gasoline prices. American workers, American consumers, and American small businesses suffer because of the failure of their Government to provide short-term relief.

Here are some suggestions which might provide assistance. The White House could direct the Secretary of Energy to suspend the delivery of oil to the Strategic Petroleum Reserve until market conditions improve. We might consider liberalizing the vehicle depreciation allowance to assist workers who daily commute more than 30 miles one way to work, and $15.5 billion in targeted tax incentives over the next 10 years, including $2 billion to deploy advanced clean coal technologies, would help to strengthen the economy, enhance our Nation's energy resources, promote an array of advanced energy technologies and increase jobs while promoting a healthy government.

Yes, we can do more. We can do plenty. We need an investigation into what is going on and why the people in West Virginia and other States are getting squeezed, why the people in West Virginia and other States are getting gouged, when huge oil companies are enjoying recordbreaking profits. I call on the White House to direct the Federal Trade Commission to review whether speculations in the futures market may be playing a role in driving up gasoline prices. I call for a congressional investigation to ascertain the role of oil companies in setting the steep price that West Virginians and people in other rural States pay at the pump.

Finally, I urge the White House to stop wimping out and to confront OPEC. Press these oil-producing countries to increase oil supply to help stabilize global prices. While running for the Presidency, George Bush promised to get tough with OPEC, especially the Saudis. Now, Mr. President, is the time to do it.

The White House should work on rehabilitating its own weak, creaky spine which has kept it from playing hardball with the foreign countries that sell us most of our oil. In his book, ''Plan of Attack,'' Bob Woodward reported that Saudi Arabia offered to fine-tune oil prices in the months before the 2004 Presidential election. Why not use the bully pulpit now to call for increased oil production? Why not dispatch the Secretary of State to OPEC countries to twist arms and knock heads together to get an increase in oil production? Why does the White House remain silent, as silent as a stone, when OPEC announces, as it did on March 30, that it had ruled out an increase in oil production? Why does the administration hold its tongue when Middle Eastern potentates collude to separate working Americans from their hard-earned dollars?

Instead of reading headlines about tough administrative action to reduce oil prices, we read of scandals about lucrative billion-dollar, no-bid contracts for Iraqi oil fields. Instead of lowering prices at the pump in the USA, less than 18 months ago the White House asked Congress to approve $900 million in taxpayer money to send more gasoline to filling stations. Where? Baghdad.

The President might not have a short-term energy strategy for the United States, but he has a great one for Iraq. The only problem is that the American people are paying for it twice, once on April 15, the day our income taxes are due, and once again on every trip to the filling station.

I yield back the remainder of my time. I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the consideration of H.R. 1268, which the clerk will report.

The legislative clerk read as follows:

H.R. 1268, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for States driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

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

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

H.R. 1268

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

[DIVISION A—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

[TITLE I—DEFENSE-RELATED APPROPRIATIONS

[CHAPTER 1

[DEPARTMENT OF DEFENSE

[DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For an additional amount for ''Military Personnel, Army'', $11,779,642,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY PERSONNEL, NAVY

[For an additional amount for ''Military Personnel, Navy'', $534,080,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for ''Military Personnel, Marine Corps'', $1,251,726,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for ''Military Personnel, Air Force'', $1,473,472,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESERVE PERSONNEL, ARMY

[For an additional amount for ''Reserve Personnel, Army'', $40,327,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESERVE PERSONNEL, NAVY

[For an additional amount for ''Reserve Personnel, Navy'', $11,111,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESERVE PERSONNEL, MARINE CORPS

[For an additional amount for ''Reserve Personnel, Marine Corps'', $4,115,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESERVE PERSONNEL, AIR FORCE

[For an additional amount for ''Reserve Personnel, Air Force'', $130,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[NATIONAL GUARD PERSONNEL, ARMY

[For an additional amount for ''National Guard Personnel, Army'', $430,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[NATIONAL GUARD PERSONNEL, AIR FORCE

[For an additional amount for ''National Guard Personnel, Air Force'', $91,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE

[OPERATION AND MAINTENANCE, ARMY

[For an additional amount for ''Operation and Maintenance, Army'', $17,366,004,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, NAVY

[For an additional amount for ''Operation and Maintenance, Navy'', $3,030,801,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, MARINE CORPS

[For an additional amount for ''Operation and Maintenance, Marine Corps'', $982,464,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for ''Operation and Maintenance, Air Force'', $5,769,450,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, DEFENSE-WIDE

[For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,061,300,000 (reduced by $1,000,000) (increased by $1,000,000), of which—

[(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

[(2) up to $1,220,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of funds provided in this paragraph: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, ARMY RESERVE

[For an additional amount for ''Operation and Maintenance, Army Reserve'', $8,154,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, NAVY RESERVE

[For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,164,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

[For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $24,920,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[For an additional amount for ''Operation and Maintenance, Army National Guard'', $188,779,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

[For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'',

$10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[AFGHANISTAN SECURITY FORCES FUND

[(INCLUDING TRANSFER OF FUNDS)

[For the ''Afghanistan Security Forces Fund'', $1,285,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command-Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[IRAQ SECURITY FORCES FUND

[(INCLUDING TRANSFER OF FUNDS)

[For the ''Iraq Security Forces Fund'', $5,700,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That, notwithstanding any other provision of law, from funds made available under this heading, up to $99,000,000 may be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: *Provided further*, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services, training and funding, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT

[AIRCRAFT PROCUREMENT, ARMY

[For an additional amount for ''Aircraft Procurement, Army'', $458,677,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MISSILE PROCUREMENT, ARMY

[For an additional amount for ''Missile Procurement, Army'', $340,536,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

[For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $2,678,747,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT OF AMMUNITION, ARMY

[For an additional amount for ''Procurement of Ammunition, Army'', $532,800,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OTHER PROCUREMENT, ARMY

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for ''Other Procurement, Army'', $6,634,905,000, to remain available until September 30, 2007, of which $85,000,000 shall be derived by transfer from ''Iraq Freedom Fund'': *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[AIRCRAFT PROCUREMENT, NAVY

[For an additional amount for ''Aircraft Procurement, Navy'', $200,295,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[WEAPONS PROCUREMENT, NAVY

[For an additional amount for ''Weapons Procurement, Navy'', $71,600,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

[For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $141,735,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OTHER PROCUREMENT, NAVY

[For an additional amount for ''Other Procurement, Navy'', $78,372,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT, MARINE CORPS

[For an additional amount for ''Procurement, Marine Corps'', $3,588,495,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[AIRCRAFT PROCUREMENT, AIR FORCE

[For an additional amount for ''Aircraft Procurement, Air Force'', $279,241,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT OF AMMUNITION, AIR FORCE

[For an additional amount for ''Procurement of Ammunition, Air Force'', $6,998,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OTHER PROCUREMENT, AIR FORCE

[For an additional amount for ''Other Procurement, Air Force'', $2,658,527,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this

heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT, DEFENSE-WIDE

[For an additional amount for ''Procurement, Defense-Wide'', $646,327,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

[For an additional amount for ''Research, Development, Test and Evaluation, Army'', $25,170,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

[For an additional amount for ''Research, Development, Test, and Evaluation, Navy'', $202,051,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

[For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $121,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

[For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $159,600,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[REVOLVING AND MANAGEMENT FUNDS

[DEFENSE WORKING CAPITAL FUNDS

[For an additional amount for ''Defense Working Capital Funds'', $1,411,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[NATIONAL DEFENSE SEALIFT FUND

[For an additional amount for ''National Defense Sealift Fund'', $32,400,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OTHER DEPARTMENT OF DEFENSE PROGRAMS

[DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $257,000,000, to remain available until December 31, 2005: *Provided*, That these funds may be used for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OFFICE OF THE INSPECTOR GENERAL

[For an additional amount for ''Office of the Inspector General'', $148,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[RELATED AGENCIES

[INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

[For an additional amount for ''Intelligence Community Management Account'', $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[GENERAL PROVISIONS—THIS CHAPTER

[(TRANSFER OF FUNDS)

[SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: *Provided further*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking ''$3,500,000,000'' and inserting ''$5,500,000,000'': *Provided*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[(TRANSFER OF FUNDS)

[SEC. 1103. During fiscal year 2005, the Secretary of Defense may transfer amounts in or credited to the Defense Cooperation Account, pursuant to section 2608 of title 10, United States Code, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[SEC. 1104. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed $4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

[(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

[(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

[(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

[SEC. 1105. The paragraph under the heading ''Operation and Maintenance, Defense-Wide'' in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), is amended in the first proviso by striking ''$32,000,000'' and inserting ''$40,000,000''.

[SEC. 1106. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting ''$1,500,000,000'' for ''$1,000,000,000''.

[SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking ''$500,000,000'' in the matter preceding paragraph (1) and inserting ''$854,000,000''.

[SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking ''$185,000,000'' and inserting ''$210,000,000''.

[SEC. 1109. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to

$200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in support of, or related to—

[(1) a military operation, including a contingency operation; or

[(2) an operation in response to a declared emergency.

[(b) To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

[(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

[SEC. 1110. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

[(1) in the matter preceding paragraph (1), by striking ''in the fiscal year after the effective date of this Act'' and inserting ''during fiscal years 2005 and 2006''; and

[(2) in paragraph (1), by striking ''500 new personnel billets'' and inserting ''a total of 500 new personnel positions''.

[SEC. 1111. Section 1051a(e) of title 10, United States Code, is amended by striking ''September 30, 2005'' and inserting ''December 31, 2005''.

[SEC. 1112. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

[SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—Section 1967 of title 38, United States Code, is amended—

[(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000 or such lesser amount as the member may elect in increments of $50,000'';

[(2) in subsection (a)(3)(B), by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''; and

[(3) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under subsection (a)(3)(A)(i)''.

[(b) SPOUSE CONSENT AND BENEFICIARY NOTIFICATION.—Section 1967(a)(3)(B) of such title is amended—

[(1) by inserting ''(i)'' after ''(B)''; and

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

[''(ii) A member who is married may not, without the written concurrence of the member's spouse—

[''(I) elect not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i); or

[''(II) designate any other person as a beneficiary under this program.

[''(iii) Whenever a member who is not married elects not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.

[(c) LIMITATION ON SPOUSE COVERAGE TO AMOUNT OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such title is amended by inserting before the period at the end the following: ''as applicable to such member under subparagraph (A)(i)''.

[(d) CONFORMING AMENDMENTS TO VGLI PROVISIONS.—Section 1977 of such title is amended by striking ''$250,000'' each place it appears and inserting ''$400,000''.

[(e) MILITARY DEATH GRATUITY.—Section 1478 of title 10, United States Code, is amended—

[(1) in subsection (a), by striking ''$12,000 (as adjusted under subsection (c))'' and inserting ''$100,000''; and

[(2) by striking subsection (c).

[(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

[SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CERTAIN PRIOR DEATHS IN SERVICE.—In the case of the death of a member of the uniformed services that is a qualifying death (as specified in subsection (b)), the Secretary concerned shall pay a death gratuity of not more than $238,000. Of that amount—

[(1) $150,000 shall be paid in the manner specified in subsection (c); and

[(2) $88,000 shall be paid in the manner specified in subsection (d).

[(b) QUALIFYING DEATHS.—The death of a member of the uniformed services is a qualifying death for purpose of this section if—

[(1) the member died during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act;

[(2) for the purpose of section 1114(a)(2), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred in Operation Enduring Freedom or Operation Iraqi Freedom, as determined under regulations prescribed by the Secretary of Defense; and

[(3) for the purpose of section 1114(a)(1), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred by any active duty military member in the performance of duty.

[(c) SGLI BENEFICIARIES.—A payment pursuant to subsection (a)(1) by reason of a covered death shall be paid—

[(1) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code; or

[(2) in the case of a member who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who would have received proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.

[(d) MILITARY DEATH GRATUITY BENEFICIARIES.—A payment pursuant to subsection (a)(2) by reason of a covered death shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid with respect to that death under subchapter II of chapter 75 of title 10, United States Code.

[(e) STATUS OF PAYMENTS.—A death gratuity payable under this section by reason of a qualifying death is in addition to any other death gratuity or other benefit payable by the United States by reason of that death.

[(f) DEFINITION.—For the purposes of this section, the term ''Secretary concerned'' has the meaning given that term in section 101 of title 37, United States Code.''.

[SEC. 1115. Funds appropriated in this chapter, or made available by transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

[SEC. 1116. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

[CHAPTER 2

[DEPARTMENT OF DEFENSE

[MILITARY CONSTRUCTION, ARMY

[For an additional amount for ''Military Construction, Army'', $930,100,000, to remain available until September 30, 2006: *Provided*, That $669,100,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

[For an additional amount for ''Military Construction, Navy and Marine Corps'', $92,720,000, to remain available until September 30, 2006: *Provided*, That $32,380,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY CONSTRUCTION, AIR FORCE

[For an additional amount for ''Military Construction, Air Force'', $301,386,000, to remain available until September 30, 2006: *Provided*, That $301,386,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the

amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY PERSONNEL, ARMY

[For an additional amount for ''Military Personnel, Army'', $1,542,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, ARMY

[For an additional amount for ''Operation and Maintenance, Army'', $66,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[DEFENSE HEALTH PROGRAM

[For an additional amount for ''Defense Health Program'', $175,550,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

[CHAPTER 1

[BILATERAL ECONOMIC ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

[For an additional amount for ''International Disaster and Famine Assistance'', $44,000,000 (increased by $50,000,000), to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $24,400,000, to remain available until September 30, 2006.

[OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[OFFICE OF INSPECTOR GENERAL

[For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $2,500,000, to remain available until September 30, 2006.

[OTHER BILATERAL ECONOMIC ASSISTANCE

[ECONOMIC SUPPORT FUND

[For an additional amount for ''Economic Support Fund'', $684,700,000 (reduced by $3,000,000), to remain available until September 30, 2006, of which up to $200,000,000 may be provided for programs, activities, and efforts to support Palestinians.

[For an additional amount for ''Economic Support Fund'', $376,500,000, to remain available until September 30, 2006: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

[For an additional amount for ''Assistance for the Independent States of the Former Soviet Union'' for assistance for Ukraine, $33,700,000, to remain available until September 30, 2006.

[DEPARTMENT OF STATE

[INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for ''International Narcotics Control and Law Enforcement'', $594,000,000, to remain available until September 30, 2007, of which not more than $400,000,000 may be made available to provide assistance to the Afghan police: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MIGRATION AND REFUGEE ASSISTANCE

[For an additional amount for ''Migration and Refugee Assistance'', $53,400,000 (increased by $50,000,000), to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

[For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $17,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[MILITARY ASSISTANCE

[FUNDS APPROPRIATED TO THE PRESIDENT

[FOREIGN MILITARY FINANCING PROGRAM

[For an additional amount for the ''Foreign Military Financing Program'', $250,000,000.

[PEACEKEEPING OPERATIONS

[For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[GENERAL PROVISIONS—THIS CHAPTER

[SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961 is amended by striking ''Iraq,''.

[(RESCISSION)

[SEC. 2102. The unexpended balance appropriated by Public Law 108–11 under the heading ''Economic Support Fund'' and made available for Turkey is rescinded.

[SEC. 2103. Section 559 of division D of Public Law 108–447 is amended by adding at the end the following:

[''(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading 'Economic Support Fund'. The audit shall address—

[''(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

[''(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.''.

[SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.

[SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'': *Provided*, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.

[SEC. 2106. No later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing—

[(1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities;

[(2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services;

[(3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel;

[(4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance;

[(5) the Palestinian Authority's cooperation with United States officials in their investigations into the late Palestinian leader Yasser Arafat's finances; and

[(6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors:

[*Provided*, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: *Provided further*, That up to $5,000,000 of the funds made available for assistance to the West Bank and Gaza by this title under ''Economic Support Fund'' shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority: *Provided further*, That the

waiver authority of section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may not be exercised with respect to funds appropriated for assistance to the Palestinians under this chapter: *Provided further,* That the waiver detailed in Presidential Determination 2005–10 issued on December 8, 2004, shall not be extended to funds appropriated under this chapter.

[CHAPTER 2

[DEPARTMENT OF STATE AND RELATED AGENCY

[DEPARTMENT OF STATE

[ADMINISTRATION OF FOREIGN AFFAIRS

[DIPLOMATIC AND CONSULAR PROGRAMS

[For an additional amount for ''Diplomatic and Consular Programs'', $748,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

[For an additional amount for ''Embassy Security, Construction, and Maintenance'', $592,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[INTERNATIONAL ORGANIZATIONS

[CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

[(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for ''Contributions for International Peacekeeping Activities'', $580,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That up to $55,000,000 provided under this heading may be transferred to ''Peacekeeping Operations'', to be available for costs of establishing and operating a Sudan war crimes tribunal.

[RELATED AGENCY

[BROADCASTING BOARD OF GOVERNORS

[INTERNATIONAL BROADCASTING OPERATIONS

[For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 3

[DEPARTMENT OF AGRICULTURE

[FOREIGN AGRICULTURAL SERVICE

[PUBLIC LAW 480 TITLE II GRANTS

[For an additional amount for ''Public Law 480 Title II Grants'', $150,000,000, to remain available until expended: *Provided,* That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

[CHAPTER 1

[DEPARTMENT OF ENERGY

[NATIONAL NUCLEAR SECURITY ADMINISTRATION

[DEFENSE NUCLEAR NONPROLIFERATION

[For an additional amount for ''Defense Nuclear Nonproliferation'', $110,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 2

[DEPARTMENT OF HOMELAND SECURITY

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For an additional amount for ''Operating Expenses'', $111,950,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

[For an additional amount for ''Acquisition, Construction, and Improvements'', $49,200,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 3

[DEPARTMENT OF JUSTICE

[FEDERAL BUREAU OF INVESTIGATION

[SALARIES AND EXPENSES

[For an additional amount for ''Salaries and Expenses'', $78,970,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[DRUG ENFORCEMENT ADMINISTRATION

[SALARIES AND EXPENSES

[For an additional amount for ''Salaries and Expenses,'' $7,648,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

[CHAPTER 1

[FUNDS APPROPRIATED TO THE PRESIDENT

[OTHER BILATERAL ASSISTANCE

[TSUNAMI RECOVERY AND RECONSTRUCTION FUND

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004, and for other purposes, $656,000,000 (increased by $3,000,000), to remain available until September 30, 2006: *Provided*, That these funds may be transferred by the Secretary of State to any Federal agency or account for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with the Development Credit Authority for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $15,000,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development'', of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $500,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development, Office of Inspector General''; and up to $5,000,000 may be transferred to and consolidated with ''Administration of Foreign Affairs Emergencies in the Diplomatic and Consular Service'' for the purpose of providing support services for U.S. citizen victims and related operations.

[GENERAL PROVISION

[SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 to address relief and rehabilitation needs for countries affected by the tsunami and earthquake of December 2004, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

[SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.

[CHAPTER 2

[DEPARTMENT OF DEFENSE—MILITARY

[OPERATION AND MAINTENANCE

[OPERATION AND MAINTENANCE, NAVY

[For an additional amount for ''Operation and Maintenance, Navy'', $124,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, MARINE CORPS

[For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,800,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for ''Operation and Maintenance, Air Force'', $30,000,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OPERATION AND MAINTENANCE, DEFENSE-WIDE

[For an additional amount for ''Operation and Maintenance, Defense-Wide'', $29,150,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

[For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $36,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 3

[DEPARTMENT OF DEFENSE

[DEFENSE HEALTH PROGRAM

[For an additional amount for ''Defense Health Program'', $3,600,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 4

[DEPARTMENT OF HOMELAND SECURITY

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For an additional amount for ''Operating Expenses'', $350,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 5

[DEPARTMENT OF THE INTERIOR

[UNITED STATES GEOLOGICAL SURVEY

[SURVEYS, INVESTIGATIONS, AND RESEARCH

[For an additional amount for ''Surveys, Investigations, and Research'', $8,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[CHAPTER 6

[DEPARTMENT OF COMMERCE

[NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[OPERATIONS, RESEARCH, AND FACILITIES

[For an additional amount for ''Operations, Research, and Facilities'', $4,830,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[PROCUREMENT, ACQUISITION AND CONSTRUCTION

[For an additional amount for ''Procurement, Acquisition and Construction'', $9,670,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

[TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

[SEC. 5001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[(INCLUDING TRANSFERS OF FUNDS)

[SEC. 5002. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds previously made available in the Department of Defense Appropriations Act, 2005 (Public Law 108–287): *Provided*, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts shall be transferred between the following appropriations, in the amounts specified:

[To:

[Under the heading, ''Research, Development, Test and Evaluation, Air Force, 2005/2006'', $500,000;

[From:

[Under the heading, ''Other Procurement, Air Force'', $500,000.

[To:

[Under the heading, ''Other Procurement, Air Force, 2005/2007'', $8,200,000;

[From:

[Under the heading, ''Other Procurement, Navy, 2005/2007'', $8,200,000.

[SEC. 5003. Funds appropriated by this Act may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) and section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

[SEC. 5004. The last proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''Public Law 108–357'' and inserting ''Public Law 108–137''.

[SEC. 5005. Section 101 of title I of division C of Public Law 108–447 is amended by striking ''per project'' and all that follows through the period at the end and inserting ''for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.''.

[SEC. 5006. The matter under the heading ''Water and Related Resources'' in title II of division C of Public Law 108–447 is amended by inserting before the period at the end the following: '': *Provided further*, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554)''.

[SEC. 5007. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy—Energy Programs—Nuclear Waste Disposal'' is amended by—

[(1) inserting ''to be derived from the Nuclear Waste Fund and'' after ''$346,000,000,''; and

[(2) striking ''to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act'' and inserting ''to participate in licensing activities and other appropriate activities pursuant to the Act''.

[SEC. 5008. Section 144(b)(2) of title I of division E of Public Law 108–447 is amended by striking ''September 24, 2004'' and inserting ''November 12, 2004''.

[SEC. 5009. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement''—

[(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read ''Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative'';

[(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read ''Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program'';

[(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read ''Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth'';

[(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read ''Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program'';

[(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read ''Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School'';

[(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)'';

[(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be

deemed to read ''QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history'';

[(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read ''The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO'';

[(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read ''Chester Economic Development Authority, Chester, PA for a community arts program'';

[(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read ''Kids with A Promise—The Bowery Mission, New York, NY'';

[(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce ''Educating America'', a documentary about the challenges facing our public schools shall be deemed to read ''Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools'';

[(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read ''American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar''; and

[(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read ''Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative''.

[SEC. 5010. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

[(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read ''University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students'';

[(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read ''Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities'';

[(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read ''University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs''; and

[(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read ''Moberly Area Community College, Moberly, MO for equipment and technology''.

[SEC. 5011. The matter under the heading ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'' in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: '': *Provided further*, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers''.

[SEC. 5012. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period ''and section 303 of Public Law 108–422''.

[SEC. 5013. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking ''that are deposited into the Medical Care Collections Fund may be transferred and merged with'' and inserting ''may be deposited into the''.

[SEC. 5014. Section 1703(d)(2) of title 38, United States Code, is amended by striking ''shall be available for the purposes'' and inserting ''shall be available, without fiscal limitation, for the purposes''.

[SEC. 5015. Section 621 of title VI of division B of Public Law 108–199 is amended by striking ''of passenger, cargo and other aviation services''.

[SEC. 5016. Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''Asheville-Buncombe Technical Community College'' and inserting ''the International Small Business Institute''.

[SEC. 5017. (a) Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking ''for the continued modernization of the Mason Building''.

[(b) Section 621 of title VI of division B of Public Law 108–199, as amended by Public Law 108–447, is amended by striking '', for the continued modernization of the Mason Building''.

[SEC. 5018. The Department of Justice may transfer funds from any Department of Justice account to ''Detention Trustee'': *Provided*, That the notification requirement in section 605(b) of title VI of division B of Public Law 108–447 shall remain in effect for any such transfers.

[SEC. 5019. The referenced statement of managers under the heading ''Community Development Fund'' in title II of division K of Public Law 108–7 is deemed to be amended—

[(1) with respect to item number 39 by striking ''Conference and Workforce Center in Harrison, Arkansas'' and inserting ''in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center''; and

[(2) with respect to item number 316 by striking ''for renovation of a visitor center to accommodate a Space and Flight Center'' and inserting ''to build-out the Prince George's County Economic Development and Business Assistance Center''.

[SEC. 5020. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division G of Public Law 108–199 is deemed to be amended—

[(1) with respect to item number 56 by striking ''Conference and Training Center'' and inserting ''North Arkansas College Health Sciences Education Center'';

[(2) with respect to item number 102 by striking ''to the Town of Groveland, California for purchase of a youth center'' and inserting ''to the County of Tuolomne for the purchase of a new youth center in the mountain community of Groveland'';

[(3) with respect to item number 218 by striking ''for construction'' and inserting ''for design and engineering'';

[(4) with respect to item number 472 by striking ''for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood'' and inserting ''for streetscape renovation''; and

[(5) with respect to item number 493 by striking ''for land acquisition'' and inserting ''for planning and design of its Sports and Recreation Center and Education Complex''.

[SEC. 5021. The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended as follows—

[(1) with respect to item number 706 by striking '' a public swimming pool'' and inserting ''recreation fields'';

[(2) with respect to item number 667 by striking ''to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building'' and inserting ''to the County of Appomattox, Virginia for renovation of the Carver-Price building'';

[(3) with respect to item number 668 by striking ''for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery'' and inserting ''for The Prizery in South Boston, Virginia for renovations and creation of a community arts center'';

[(4) with respect to item number 669 by striking ''for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center'' and inserting ''for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations'';

[(5) with respect to item number 910 by striking ''repairs to'' and inserting ''renovation and construction of''; and

[(6) with respect to item number 902 by striking ''City of Brooklyn'' and inserting ''Fifth Ave Committee in Brooklyn''.

[SEC. 5022. Section 308 of division B of Public Law 108–447 is amended by striking all after the words ''shall be deposited'', and inserting ''as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.''.

[SEC. 5023. Section 198 of division H of Public Law 108–447 is amended by inserting ''under title 23 of the United States Code'' after ''law''.

[SEC. 5024. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

[(1) Section 331 is amended as follows:

[(A) in the first sentence by striking the word ''$15,000,000'' and inserting ''$42,000,000, to remain available until expended,'' in its place; and

[(B) by amending paragraph (5) to read as follows:

[''(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.''.

[(2) By inserting a new section before the short title at the end to read as follows:

[''SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

[''(1) $174,927,000 (including $34,927,000 from local funds, and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': *Provided*, That of the funds, $33,000,000 from local funds shall remain available until expended: *Provided further*, That of the funds, $140,000,000

from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

[''(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

[''(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

[''(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.''.

[TITLE VI—

[HUMANITARIAN ASSISTANCE CODE OF CONDUCT

[SEC. 6001. SHORT TITLE.

[This title may be cited as the ''Humanitarian Assistance Code of Conduct Act of 2005''.

[SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF BENEFICIARIES OF HUMANITARIAN ASSISTANCE.

[(a) PROHIBITION.—None of the funds made available for foreign operations, export financing, and related programs under the headings ''Migration and Refugee Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', ''International Disaster and Famine Assistance'', or ''Transition Initiatives'' may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

[(b) SIX CORE PRINCIPLES.—The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the following six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises:

[(1) ''Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.''.

[(2) ''Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.''.

[(3) ''Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries.''.

[(4) ''Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.''.

[(5) ''Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.''.

[(6) ''Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.''.

[SEC. 6003. REPORT.

[Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a detailed report on the implementation of this title.

[SEC. 6004. EFFECTIVE DATE; APPLICABILITY.

[This title—

[(1) takes effect 60 days after the date of the enactment of this Act; and

[(2) applies to funds obligated after the effective date referred to in paragraph (1)—

[(A) for fiscal year 2005; and

[(B) any subsequent fiscal year.

[TITLE VII—ADDITIONAL GENERAL PROVISIONS

[SEC. 7001. None of the funds made available in this Act may be used for embassy security, construction, and maintenance.

[SEC. 7002. None of the funds made available in this Act may be used to fund any contract in contravention of section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)).

[SEC. 7003. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

[(1) Section 2340A of title 18, United States Code.

[(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

[This division may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005''.

[DIVISION B—REAL ID ACT OF 2005

[SECTION 1. SHORT TITLE.

[This division may be cited as the ''REAL ID Act of 2005''.

[TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

[SEC. 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.

[(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

[(1) by striking ''The Attorney General'' the first place such term appears and inserting the following:

[''(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General'';

[(2) by striking ''the Attorney General'' the second and third places such term appears and inserting ''the Secretary of Homeland Security or the Attorney General''; and

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

[''(B) BURDEN OF PROOF.—

[''(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for persecuting the applicant.

[''(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines, in the trier of fact's discretion, that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence without departing the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the applicant's burden of proof.

[''(iii) CREDIBILITY DETERMINATION.—The trier of fact should consider all relevant factors and may, in the trier of fact's discretion, base the trier of fact's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.''.

[(b) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:

[''(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B).''.

[(c) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1230(c)) is amended—

[(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

[(2) by inserting after paragraph (3) the following:

[''(4) APPLICATIONS FOR RELIEF FROM REMOVAL.—

[''(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish that the alien—

[''(i) satisfies the applicable eligibility requirements; and

[''(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.

[''(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden,

the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines in the judge's discretion that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence without departing from the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the burden of proof.

[''(C) CREDIBILITY DETERMINATION.—The immigration judge should consider all relevant factors and may, in the judge's discretion, base the judge's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.''.

[(d) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: ''No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence, as described in section 208(b)(1)(B), 240(c)(4)(B), or 241(b)(3)(C), unless the court finds that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.''.

[(e) CLARIFICATION OF DISCRETION.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

[(1) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' each place such term appears; and

[(2) in the matter preceding clause (i), by inserting ''and regardless of whether the judgment, decision, or action is made in removal proceedings,'' after ''other provision of law,''.

[(f) REMOVAL OF CAPS.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

[(1) in subsection (a)(1)—

[(A) by striking ''Service'' and inserting ''Department of Homeland Security''; and

[(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security or the Attorney General'';

[(2) in subsection (b)—

[(A) by striking ''Not more'' and all that follows through ''asylum who—'' and inserting ''The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—''; and

[(B) in the matter following paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''; and

[(3) in subsection (c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''.

[(g) EFFECTIVE DATES.—

[(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.

[(2) The amendments made by subsections (a)(3), (b), and (c) shall take effect on the date of the enactment of this division and shall apply to applications for asylum, withholding, or other removal made on or after such date.

[(3) The amendment made by subsection (d) shall take effect on the date of the enactment of this division and shall apply to all cases in which the final administrative removal order is or was issued before, on, or after such date.

[(4) The amendments made by subsection (e) shall take effect on the date of the enactment of this division and shall apply to all cases pending before any court on or after such date.

[(5) The amendments made by subsection (f) shall take effect on the date of the enactment of this division.

[(h) REPEAL.—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

[SEC. 102. WAIVER OF LAWS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS.

[Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended to read as follows:

[''(c) WAIVER.—

[''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section.

[''(2) NO JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), no court, administrative agency, or other entity shall have jurisdiction—

[''(A) to hear any cause or claim arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1); or

[''(B) to order compensatory, declaratory, injunctive, equitable, or any other relief for damage alleged to arise from any such action or decision.''.

[SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.

[(a) IN GENERAL.—So much of section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence is amended to read as follows:

[''(i) IN GENERAL.—Any alien who—

[''(I) has engaged in a terrorist activity;

[''(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

[''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

[''(IV) is a representative (as defined in clause (v)) of—

[''(aa) a terrorist organization (as defined in clause (vi)); or

[''(bb) a political, social, or other group that endorses or espouses terrorist activity;

[''(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

[''(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

[''(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

[''(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

[''(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years,

[is inadmissible.''.

[(b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read as follows:

[''(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

[''(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

[''(II) to prepare or plan a terrorist activity;

[''(III) to gather information on potential targets for terrorist activity;

[''(IV) to solicit funds or other things of value for—

[''(aa) a terrorist activity;

[''(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

[''(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

[''(V) to solicit any individual—

[''(aa) to engage in conduct otherwise described in this subsection;

[''(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

[''(cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

[''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

[''(aa) for the commission of a terrorist activity;

[''(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

[''(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or

[''(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.

[This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist

activity, if the Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Attorney General, after consultation with the Secretary of State and the Secretary of Homeland Security, concludes in his sole unreviewable discretion, that this clause should not apply.''.

[(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:

[''(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

[''(I) designated under section 219;

[''(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

[''(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).''.

[(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this division, and these amendments, and section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this section, shall apply to—

[(1) removal proceedings instituted before, on, or after the date of the enactment of this division; and

[(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

[SEC. 104. REMOVAL OF TERRORISTS.

[(a) IN GENERAL.—

[(1) IN GENERAL.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

[''(B) TERRORIST ACTIVITIES.—Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.''.

[(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this division, and the amendment, and section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)), as amended by such paragraph, shall apply to—

[(A) removal proceedings instituted before, on, or after the date of the enactment of this division; and

[(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

[(b) REPEAL.—Effective as of the date of the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), section 5402 of such Act is repealed, and the Immigration and Nationality Act shall be applied as if such section had not been enacted.

[SEC. 105. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

[(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

[(1) in subsection (a)—

[(A) in paragraph (2)—

[(i) in subparagraph (A), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''Notwithstanding any other provision of law'';

[(ii) in each of subparagraphs (B) and (C), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D)'' after ''Notwithstanding any other provision of law''; and

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

[''(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in subparagraph (B) or (C), or in any other provision of this Act which limits or eliminates judicial review, shall be construed as precluding review of constitutional claims or pure questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section.''; and

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

[''(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, except as provided in subsection (e).

[''(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms 'judicial review' and 'jurisdiction to review' include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).'';

[(2) in subsection (b)—

[(A) in paragraph (3)(B), by inserting ''pursuant to subsection (f)'' after ''unless''; and

[(B) in paragraph (9), by adding at the end the following: ''Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.''; and

[(3) in subsection (g), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''notwithstanding any other provision of law''.

[(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this division and shall apply to cases in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this division.

[(c) TRANSFER OF CASES.—If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note). The court of appeals shall treat the transferred case as if it had been filed pursuant to a petition for review under such section 242, except that subsection (b)(1) of such section shall not apply.

[(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

[SEC. 106. DELIVERY BONDS.

[(a) DEFINITIONS.—For purposes of this section:

[(1) DELIVERY BOND.—The term ''delivery bond'' means a written suretyship undertaking for the surrender of an individual against whom the Department of Homeland Security has issued an order to show cause or a notice to appear, the performance of which is guaranteed by an acceptable surety on Federal bonds.

[(2) PRINCIPAL.—The term ''principal'' means an individual who is the subject of a bond.

[(3) SURETYSHIP UNDERTAKING.—The term ''suretyship undertaking'' means a written agreement, executed by a bonding agent on behalf of a surety, which binds all parties to its certain terms and conditions and which provides obligations for the principal and the surety while under the bond and penalties for forfeiture to ensure the obligations of the principal and the surety under the agreement.

[(4) BONDING AGENT.—The term ''bonding agent'' means any individual properly licensed, approved, and appointed by power of attorney to execute or countersign surety bonds in connection with any matter governed by the Immigration and Nationality Act as amended (8 U.S.C. 1101, et seq.), and who receives a premium for executing or countersigning such surety bonds.

[(5) SURETY.—The term ''surety'' means an entity, as defined by, and that is in compliance with, sections 9304 through 9308 of title 31, United States Code, that agrees—

[(A) to guarantee the performance, where appropriate, of the principal under a bond;

[(B) to perform the bond as required; and

[(C) to pay the face amount of the bond as a penalty for failure to perform.

[(b) VALIDITY, AGENT NOT CO-OBLIGOR, EXPIRATION, RENEWAL, AND CANCELLATION OF BONDS.—

[(1) VALIDITY.—Delivery bond undertakings are valid if such bonds—

[(A) state the full, correct, and proper name of the alien principal;

[(B) state the amount of the bond;

[(C) are guaranteed by a surety and countersigned by an agent who is properly appointed;

[(D) bond documents are properly executed; and

[(E) relevant bond documents are properly filed with the Secretary of Homeland Security.

[(2) BONDING AGENT NOT CO-OBLIGOR, PARTY, OR GUARANTOR IN INDIVIDUAL CAPACITY, AND NO REFUSAL IF ACCEPTABLE SURETY.—Section 9304(b) of title 31, United States Code, is amended by adding at the end the following: ''Notwithstanding any other provision of law, no bonding agent of a corporate surety shall be required to execute bonds as a co-obligor, party, or guarantor in an individual capacity on bonds provided by the corporate surety, nor shall a corporate surety bond be refused if the corporate surety appears on the current Treasury Department Circular 570 as a company holding a certificate of authority as an acceptable surety on Federal bonds and attached to the bond is a currently valid instrument showing the authority of the bonding agent of the surety company to execute the bond.''.

[(3) EXPIRATION.—A delivery bond undertaking shall expire at the earliest of—

[(A) 1 year from the date of issue;

[(B) at the cancellation of the bond or surrender of the principal; or

[(C) immediately upon nonpayment of the renewal premium.

[(4) RENEWAL.—Delivery bonds may be renewed annually, with payment of proper premium to the surety, if there has been no breach of conditions, default, claim, or forfeiture of the bond. Notwithstanding any renewal, when the alien is surrendered to the Secretary of Homeland Security for removal, the Secretary shall cause the bond to be canceled.

[(5) CANCELLATION.—Delivery bonds shall be canceled and the surety exonerated—

[(A) for nonrenewal after the alien has been surrendered to the Department of Homeland Security for removal;

[(B) if the surety or bonding agent provides reasonable evidence that there was misrepresentation or fraud in the application for the bond;

[(C) upon the death or incarceration of the principal, or the inability of the surety to produce the principal for medical reasons;

[(D) if the principal is detained by any law enforcement agency of any State, county, city, or any politial subdivision thereof;

[(E) if it can be established that the alien departed the United States of America for any reason without permission of the Secretary of Homeland Security, the surety, or the bonding agent;

[(F) if the foreign state of which the principal is a national is designated pursuant to section 244 of the Act (8 U.S.C. 1254a) after the bond is posted; or

[(G) if the principal is surrendered to the Department of Homeland Security, removal by the surety or the bonding agent.

[(6) SURRENDER OF PRINCIPAL; FORFEITURE OF BOND PREMIUM.—

[(A) SURRENDER.—At any time, before a breach of any of the bond conditions, if in the opinion of the surety or bonding agent, the principal becomes a flight risk, the principal may be surrendered to the Department of Homeland Security for removal.

[(B) FORFEITURE OF BOND PREMIUM.—A principal may be surrendered without the return of any bond premium if the principal—

[(i) changes address without notifying the surety, the bonding agent, and the Secretary of Homeland Security in writing prior to such change;

[(ii) hides or is concealed from a surety, a bonding agent, or the Secretary;

[(iii) fails to report to the Secretary as required at least annually; or

[(iv) violates the contract with the bonding agent or surety, commits any act that may lead to a breach of the bond, or otherwise violates any other obligation or condition of the bond established by the Secretary.

[(7) CERTIFIED COPY OF BOND AND ARREST WARRANT TO ACCOMPANY SURRENDER.—

[(A) IN GENERAL.—A bonding agent or surety desiring to surrender the principal—

[(i) shall have the right to petition the Secretary of Homeland Security or any Federal court, without having to pay any fees or court costs, for an arrest warrant for the arrest of the principal;

[(ii) shall forthwith be provided 2 certified copies each of the arrest warrant and the bond undertaking, without having to pay any fees or courts costs; and

[(iii) shall have the right to pursue, apprehend, detain, and surrender the principal, together with certified copies of the arrest warrant and the bond undertaking, to any Department of Homeland Security detention official or Department detention facility or any detention facility authorized to hold Federal detainees.

[(B) EFFECTS OF DELIVERY.—Upon surrender of a principal under subparagraph (A)(iii)—

[(i) the official to whom the principal is surrendered shall detain the principal in custody and issue a written certificate of surrender; and

[(ii) the Secretary of Homeland Security shall immediately exonerate the surety from any further liability on the bond.

[(8) FORM OF BOND.—Delivery bonds shall in all cases state the following and be secured by a corporate surety that is certified as an acceptable surety on Federal bonds and whose name appears on the current Treasury Department Circular 570:

[''(A) BREACH OF BOND; PROCEDURE, FORFEITURE, NOTICE.—

[''(i) If a principal violates any conditions of the delivery bond, or the principal is or becomes subject to a final administrative order of deportation or removal, the Secretary of Homeland Security shall—

[''(I) immediately issue a warrant for the principal's arrest and enter that arrest warrant into the National Crime Information Center (NCIC) computerized information database;

[''(II) order the bonding agent and surety to take the principal into custody and surrender the principal to any one of 10 designated Department of Homeland Security 'turn-in' centers located nationwide in the areas of greatest need, at any time of day during 15 months after mailing the arrest warrant and the order to the bonding agent and the surety as required by subclause (III), and immediately enter that order into the National Crime Information Center (NCIC) computerized information database; and

[''(III) mail 2 certified copies each of the arrest warrant issued pursuant to subclause (I) and 2 certified copies each of the order issued pursuant to subclause (II) to only the bonding agent and surety via certified mail return receipt to their last known addresses.

[''(ii) Bonding agents and sureties shall immediately notify the Secretary of Homeland Security of their changes of address and/or telephone numbers.

[''(iii) The Secretary of Homeland Security shall establish, disseminate to bonding agents and sureties, and maintain on a current basis a secure nationwide toll-free list of telephone numbers of Department of Homeland Security officials, including the names of such officials, that bonding agents, sureties, and their employees may immediately contact at any time to discuss and resolve any issue regarding any principal or bond, to be known as 'Points of Contact'.

[''(iv) A bonding agent or surety shall have full and complete access, free of charge, to any and all information, electronic or otherwise, in the care, custody, and control of the United States Government or any State or local government or any subsidiary or police agency thereof regarding the principal that may be helpful in complying with section 105 of the REAL ID Act of 2005 that the Secretary of Homeland Security, by regulations subject to approval by Congress, determines may be helpful in locating or surrendering the principal. Beyond the principal, a bonding agent or surety shall not be required to disclose any information, including but not limited to the arrest warrant and order, received from any governmental source, any person, firm, corporation, or other entity.

[''(v) If the principal is later arrested, detained, or otherwise located outside the United States and the outlying possessions of the United States (as defined in section 101(a) of the Immigration and Nationality Act), the Secretary of Homeland Security shall—

[''(I) immediately order that the surety is completely exonerated, and the bond canceled; and

[''(II) if the Secretary of Homeland Security has issued an order under clause (i), the surety may request, by written, properly filed motion, reinstatement of the bond. This subclause may not be construed to prevent the Secretary of Homeland Security from revoking or resetting a bond at a higher amount.

[''(vi) The bonding agent or surety must—

[''(I) during the 15 months after the date the arrest warrant and order were mailed pursuant to clause (i)(III) surrender the principal one time; or

[''(II)(aa) provide reasonable evidence that producing the principal was prevented—

[''(aaa) by the principal's illness or death;

[''(bbb) because the principal is detained in custody in any city, State, country, or any political subdivision thereof;

[''(ccc) because the principal has left the United States or its outlying possessions (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

[''(ddd) because required notice was not given to the bonding agent or surety; and

[''(bb) establish by affidavit that the inability to produce the principal was not with the consent or connivance of the bonding agent or surety.

[''(vii) If compliance occurs more than 15 months but no more than 18 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 25 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[''(viii) If compliance occurs more than 18 months but no more than 21 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 50 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[''(ix) If compliance occurs more than 21 months but no more than 24 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 75 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[''(x) If compliance occurs 24 months or more after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 100 percent of the face amount of the bond shall be assessed as a penalty against the surety.

[''(xi) If any surety surrenders any principal to the Secretary of Homeland Security at any time and place after the period for compliance has passed, the Secretary of Homeland Security shall cause to be issued

to that surety an amount equal to 50 percent of the face amount of the bond: *Provided, however,* That if that surety owes any penalties on bonds to the United States, the amount that surety would otherwise receive shall be offset by and applied as a credit against the amount of penalties on bonds it owes the United States, and then that surety shall receive the remainder of the amount to which it is entitled under this subparagraph, if any.

[''(xii) All penalties assessed against a surety on a bond, if any, shall be paid by the surety no more than 27 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III).

[''(B) The Secretary of Homeland Security may waive penalties or extend the period for payment or both, if—

[''(i) a written request is filed with the Secretary of Homeland Security; and

[''(ii) the bonding agent or surety provides an affidavit that diligent efforts were made to effect compliance of the principal.

[''(C) COMPLIANCE; EXONERATION; LIMITATION OF LIABILITY.—

[''(i) COMPLIANCE.—A bonding agent or surety shall have the absolute right to locate, apprehend, arrest, detain, and surrender any principal, wherever he or she may be found, who violates any of the terms and conditions of his or her bond.

[''(ii) EXONERATION.—Upon satisfying any of the requirements of the bond, the surety shall be completely exonerated.

[''(iii) LIMITATION OF LIABILITY.—Notwithstanding any other provision of law, the total liability on any surety undertaking shall not exceed the face amount of the bond.''.

[(c) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this division and shall apply to bonds and surety undertakings executed before, on, or after the date of the enactment of this division.

[SEC. 107. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

[(a) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

[''(2) subject to such reasonable regulations as the Secretary of Homeland Security may prescribe, shall permit agents, servants, and employees of corporate sureties to visit in person with individuals detained by the Secretary of and, subject to section 241(a)(8), may release the alien on a delivery bond of at least $10,000, with security approved by the Secretary, and containing conditions and procedures prescribed by section 105 of the REAL ID Act of 2005 and by the Secretary, but the Secretary shall not release the alien on or to his own recognizance unless an order of an immigration judge expressly finds and states in a signed order to release the alien to his own recognizance that the alien is not a flight risk and is not a threat to the United States''.

[(b) REPEAL.—Section 286(r) of the Immigration and Nationality Act (8 U.S.C. 1356(r)) is repealed.

[(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this division.

[SEC. 108. DETENTION OF ALIENS DELIVERED BY BONDSMEN.

[(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following:

[''(8) EFFECT OF PRODUCTION OF ALIEN BY BONDSMAN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond whether or not the Department of Homeland Security accepts custody of the alien. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.''.

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this division and shall apply to all immigration bonds posted before, on, or after such date.

[TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

[SEC. 201. DEFINITIONS.

[In this title, the following definitions apply:

[(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

[(2) IDENTIFICATION CARD.—The term ''identification card'' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

[(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

[(4) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

[SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

[(a) MINIMUM STANDARDS FOR FEDERAL USE.—

[(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

[(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary of Transportation. Such certifications shall be made at such times and in such manner as the Secretary of Transportation, in consultation with the Secretary of Homeland Security, may prescribe by regulation.

[(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

[(1) The person's full legal name.

[(2) The person's date of birth.

[(3) The person's gender.

[(4) The person's driver's license or identification card number.

[(5) A digital photograph of the person.

[(6) The person's address of principle residence.

[(7) The person's signature.

[(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

[(9) A common machine-readable technology, with defined minimum data elements.

[(c) MINIMUM ISSUANCE STANDARDS.—

[(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

[(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

[(B) Documentation showing the person's date of birth.

[(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

[(D) Documentation showing the person's name and address of principal residence.

[(2) SPECIAL REQUIREMENTS.—

[(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

[(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

[(i) is a citizen of the United States;

[(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

[(iii) has conditional permanent resident status in the United States;

[(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

[(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

[(vi) has a pending application for asylum in the United States;

[(vii) has a pending or approved application for temporary protected status in the United States;

[(viii) has approved deferred action status; or

[(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

[(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

[(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

[(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

[(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

[(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

[(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

[(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

[(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

[(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

[(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

[(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

[(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

[(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

[(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

[(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

[(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

[(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

[(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

[(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

[(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

[SEC. 203. LINKING OF DATABASES.

[(a) IN GENERAL.—To be eligible to receive any grant or other type of financial assistance made available under this title, a State shall participate in the interstate compact regarding sharing of driver license data, known as the ''Driver License Agreement'', in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

[(b) REQUIREMENTS FOR INFORMATION.—A State motor vehicle database shall contain, at a minimum, the following information:

[(1) All data fields printed on drivers' licenses and identification cards issued by the State.

[(2) Motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

[SEC. 204. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

[(a) CRIMINAL PENALTY.—Section 1028(a)(8) of title 18, United States Code, is amended by striking ''false authentication features'' and inserting ''false or actual authentication features''.

[(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

[(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

[(2) FALSE DEFINED.—In this subsection, the term ''false'' has the same meaning such term has under section 1028(d) of title 18, United States Code.

[SEC. 205. GRANTS TO STATES.

[(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

[SEC. 206. AUTHORITY.

[(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

[(b) COMPLIANCE WITH STANDARDS.—All authority to certify compliance with standards under this title shall be carried out by the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the States.

[(c) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

[SEC. 207. REPEAL.

[Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

[SEC. 208. LIMITATION ON STATUTORY CONSTRUCTION.

[Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

[TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

[SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.

[(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility for any portion of the United States borders with Canada and Mexico. The Under Secretary shall conduct follow-up studies at least once every 5 years.

[(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary's findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security Directorate of Border and Transportation Security such sums as may be necessary for fiscal years 2006 through 2011 to carry out any such recommendations from the first study conducted under subsection (a).

[SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

[(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this division, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

[(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

[(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

[(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

[(b) ADDITIONAL REQUIREMENTS.—

[(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

[(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

[(B) the cost, utility, and effectiveness of such technologies for border security; and

[(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

[(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

[(A) Video camera technology.

[(B) Sensor technology.

[(C) Motion detection technology.

[(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

[(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

[SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

[(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this division, the Secretary of Homeland Security,

acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

[(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

[(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

[(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $13,609,308,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $535,108,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,358,053,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,684,943,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $39,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $9,411,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $4,015,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $130,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $291,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $91,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $16,767,304,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $3,430,801,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $970,464,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,528,574,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,308,392,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,370,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $21,354,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,164,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $24,920,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $326,879,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,285,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command—Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $290,000,000 shall be transferred to

''Operation and Maintenance, Army'' to reimburse the Department of the Army for costs incurred to train, equip and provide related assistance to Afghan security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $5,700,000,000, to remain available until September 30, 2006: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That of the amounts provided under this heading, $210,000,000 shall be transferred to ''Operation and Maintenance, Army'' to reimburse the Department of the Army for costs incurred to train, equip, and provide related assistance to Iraqi security forces: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That, notwithstanding any other provision of law, from funds made available under this heading, $99,000,000 shall be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: Provided further, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services and training: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $458,677,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $280,250,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $2,406,447,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $475,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $5,322,905,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $200,295,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $66,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $133,635,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $78,397,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,929,045,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $269,309,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,998,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,653,760,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $591,327,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $37,170,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $179,051,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $132,540,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $203,561,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,311,300,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $32,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $225,550,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $227,000,000: Provided, That these funds may be used only for such activities related to Afghanistan and Pakistan: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; and procurement: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $148,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $89,300,000, of which $20,000,000 is to remain available until September 30, 2006: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

SPECIAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this Act: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL TRANSFER AUTHORITY

(TRANSFER OF FUNDS)

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking ''$3,500,000,000'' and inserting in lieu thereof ''$5,685,000,000'': Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

COUNTER-DRUG ACTIVITIES

SEC. 1103. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'' in this Act, not to exceed $40,000,000 may be made available for the provision of support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be provided in addition to support provided for the counter-drug activities of said Government under any other provision of law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Governments of Afghanistan and Pakistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

EXTRAORDINARY AND EMERGENCY EXPENSES

SEC. 1104. Under the heading, ''Operation and Maintenance, Defense-Wide'', in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), strike ''$32,000,000'' and insert ''$43,000,000''.

ADVANCE BILLING

SEC. 1105. Notwithstanding section 2208(l) of title 10, United States Code, during the current fiscal year working capital funds of the Department of Defense may utilize advance billing in a total amount not to exceed $1,500,000,000.

WEAPONS PURCHASE AND DISPOSAL

SEC. 1106. Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under ''Operation and Maintenance, Defense-Wide'', not to exceed $10,000,000 may be used to purchase and dispose of weapons from any person, foreign government, international organization or other entity, for the purpose of protecting U.S. forces overseas: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding the purchase and disposal of weapons under this section.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), as amended by section 102, title I, division J, Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking ''$500,000,000'' and inserting ''$854,000,000''.

CLASSIFIED PROGRAM

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking ''$185,000,000'' and inserting ''$210,000,000''.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 1109. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), is amended—

(1) by striking ''in the fiscal year after the effective date of this Act'' and inserting in lieu thereof ''in the fiscal years 2005 and 2006''; and

(2) in paragraph (1) by striking ''500 new personnel billets'' and inserting in lieu thereof ''the total of 500 new personnel positions''.

RESERVE AFFILIATION BONUS

SEC. 1110. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SERVICEMEMBERS' GROUP LIFE INSURANCE

SEC. 1111. SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS. (a) INCREASED MAXIMUM AMOUNT UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

''(i) In the case of a member—

''(I) $400,000 or such lesser amount as the member may elect;

''(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

''(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).''; and

(2) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(b) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(1) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A member covered by this subsection is any member as follows:

''(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

''(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

''(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subclause (I) of subsection (a)(3)(A) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

''(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

''(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall be contributed as provided in section 1969(b)(2) of this title and may not be deducted or withheld from the member's pay.''.

(2) FUNDING.—Section 1969(b) of such title is amended—

(A) by inserting ''(1)'' after ''(b)''; and

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

''(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.''.

(c) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: '', except for insurance provided under paragraph (3)(A)(i)(III)''.

(d) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(1) by striking ''$250,000'' each place it appears and inserting ''$400,000''; and

(2) by adding at the end of paragraph (1) the following new sentence: ''Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.''.

(e) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.''; and

(2) in paragraph (3)—

(A) in the matter preceding clause (i), by striking ''and (C)'' and inserting '', (C), and (D)''; and

(B) by adding at the end the following new subparagraphs:

''(D) A member with a spouse may not elect not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under subparagraph (A)(i)(I), without the written consent of the spouse.''.

(f) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

''(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without the written consent of the spouse.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

(h) TERMINATION.—The amendments made by this section shall terminate on September 30, 2005. Effective on October 1, 2005, the provisions of sections 1967, 1969, 1970, and 1977 of title 38, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

DEATH GRATUITY

SEC. 1112. DEATH GRATUITY ENHANCEMENTS. (a) DEATHS FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN DESIGNATED OPERATIONS OR AREAS.—

(1) AMOUNT.—Section 1478 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting '', except as provided in subsection (c)'' after ''$12,000'';

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

''(c) The death gratuity payable under sections 1475 through 1477 of this title is $100,000 (as adjusted under subsection (d)) in the case of a death resulting from wounds, injuries, or illnesses that are—

''(1) incurred as described in section 1413a(e)(2) of this title; or

''(2) incurred in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38.''.

(2) INCREASES CONSISTENT WITH INCREASES IN RATES OF BASIC PAY.—Subsection (d) of such section, as redesignated by paragraph (1)(B), is further amended by striking ''amount of the death gratuity in effect under subsection (a)'' and inserting ''amounts of the death gratuities in effect under subsections (a) and (c)''.

(3) CONFORMING AMENDMENT.—Subsection (a) of such section, as amended by paragraph (1), is further amended by striking ''(as adjusted under subsection (c))'' and inserting ''(as adjusted under subsection (d))''.

(4) EFFECTIVE DATE; TERMINATION.—

(A) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(B) The amendments made by this subsection shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—

(A) In the case of a member of the Armed Forces described in subparagraph (B), the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

(B) The requirements of this subsection apply in the case of a member of the Armed Forces who died before the date of the enactment of this Act as a direct result of one or more wounds, injuries, or illnesses that—

(i) were incurred in the theater of operations of Operation Enduring Freedom or Operation Iraqi Freedom; or

(ii) were incurred as described in section 1413a(e)(2) of title 10, United States Code, on or after October 7, 2001.

(2) AMOUNT.—The amount of the additional death gratuity is $238,000.

(3) BENEFICIARIES.—The beneficiary or beneficiaries who are entitled under section 1477 of title 10, United States Code, to receive payment of the regular military death gratuity in the case of the death of a member referred to in paragraph (2) shall be entitled to receive the additional death gratuity payable in such case. If there are two or more such beneficiaries, the portion of the total amount of the additional death gratuity payable to a beneficiary in such case shall be the amount that bears the same ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term ''additional death gratuity'' means the death gratuity provided under paragraph (1).

(B) The term ''regular military death gratuity'', means a death gratuity payable under sections 1475 through 1477 of title 10 United States Code.

INTELLIGENCE ACTIVITIES AUTHORIZATION

SEC. 1113. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

PROHIBITION OF NEW START PROGRAMS

SEC. 1114. (a) None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

(b) Notwithstanding subsection (a) of this section, the Department of the Army may use funds made available in this Act under the heading, ''Procurement of Ammunition, Army'' to procure ammunition and accessories therefor that have a standard-type classification, under Army regulations pertaining to the acceptability of materiel for use, and that are the same as other ammunition and accessories therefor that have been procured with funds made available under such heading in past appropriations Acts for the Department of Defense, only for 25mm high explosive rounds for M2 Bradley Fighting Vehicles, 120mm multi-purpose anti-tank and obstacle reduction rounds for M1 Abrams tanks, L410 aircraft countermeasure flares, 81mm mortar red phosphorous smoke rounds, MD73 impulse cartridge for aircraft flares, and 20mm high explosive rounds for C–RAM, whose stocks have been depleted and must be replenished for continuing operations of the Department of the Army.

CHEMICAL WEAPONS DEMILITARIZATION

SEC. 1115. (a)(1) Notwithstanding section 917 of Public Law 97–86, as amended, of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005 (Public Law 108–287), the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108–324), and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated as of March 15, 2005, shall remain available for obligation solely for such purpose and shall be made available not later than 30 days after the date of the enactment of this Act to the Program Manager for Assembled Chemical Weapons Alternatives for activities related to such purpose at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

(2) The amount of funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military

Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, that had not been obligated or expended as of March 15, 2005, is $372,280,000.

(3) Of the funds made available to the Program Manager under paragraph (1), not less than $100,000,000 shall be obligated by the Program Manager not later than 120 days after the date of the enactment of this Act.

(b)(1) Notwithstanding section 917 of Public Law 97–86, as amended, none of the funds appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, may be deobligated, transferred, or reprogrammed out of the Assembled Chemical Weapons Alternatives Program.

(2) The amount appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, and other Acts for the purpose of the destruction of the United States stockpile of lethal chemical agents and munitions at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, is $813,440,000.

(c) No funds appropriated or otherwise made available to the Secretary of Defense under this Act or any other Act may be obligated or expended to finance directly or indirectly any study related to the transportation of chemical weapons across State lines.

PHILADELPHIA REGIONAL PORT AUTHORITY

SEC. 1116. Section 115 of division H of Public Law 108–199 is amended by striking all after ''made available'' and substituting '', notwithstanding section 2218(c)(1) of title 10, United States Code, for a grant to Philadelphia Regional Port Authority, to be used solely for the purpose of construction, by and for a Philadelphia-based company established to operate high-speed, advanced-design vessels for the transport of high-value, time-sensitive cargoes in the foreign commerce of the United States, of a marine cargo terminal and IT network for high-speed commercial vessels that is capable of supporting military sealift requirements.''.

CONTINUITY OF GOVERNMENT TRANSPORTATION

SEC. 1117. Notwithstanding any other provision of the law, to facilitate the continuity of Government, during fiscal year 2005, no more than 11 officers and employees of the Executive Office of the President may be transported between their residence and place of employment on passenger carriers owned or leased by the Federal Government.

LPD–17 COST ADJUSTMENT

(TRANSFER OF FUNDS)

SEC. 1118. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 2005/2009'':

LCU (X), $19,000,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2008'':

LPD–17, $19,000,000:

Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROHIBITION ON COMPETITION OF THE NEXT GENERATION DESTROYER (DD(X))

SEC. 1119. (a) No funds appropriated or otherwise made available by this Act, or by any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of the next generation destroyer (DD(X)) program through a winner-take-all strategy.

(b) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term ''winner-take-all strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

CIVILIAN PAY

SEC. 1120. None of the funds appropriated to the Department of Defense by this Act or any other Act for fiscal year 2005 or any other fiscal year may be expended for any pay raise granted on or after January 1, 2005 that is implemented in a manner that provides a greater increase for non-career employees than for career employees on the basis of their status as career or non-career employees, unless specifically authorized by law: Provided, That this provision shall be implemented for fiscal year 2005 without regard to the requirements of section 5383 of title 5, United States Code: Provided further, That no employee of the Department of Defense shall have his or her pay reduced for the purpose of complying with the requirements of this provision.

INDUSTRIAL MOBILIZATION CAPACITY

SEC. 1121. Of the amounts appropriated or otherwise made available by the Department of Defense Appropriations Act, 2005, $12,500,000 shall be available only for industrial mobilization capacity at Rock Island Arsenal.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $897,191,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $107,380,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $140,983,000, to remain available until September 30, 2007: Provided, That such funds may be used to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $150,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $757,700,000, to remain available until September 30, 2006, of which $10,000,000 is provided for security requirements in the detection of explosives: Provided, That of the funds appropriated under this heading, not less than $250,000 shall be made available for programs to assist Iraqi and Afghan scholars who are in physical danger to travel to the United States to engage in research or other scholarly activities at American institutions of higher education: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $592,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $680,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'' for capital improvements related to broadcasting to the broader Middle East, $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402

of the conference report to accompany S. Con. Res. 95 (108th Congress).

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: Provided, That these funds may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TRANSITION INITIATIVES

For an additional amount for ''Transition Initiatives'', $63,000,000, to remain available until expended, for necessary international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, to support transition to democracy and the long-term development of Sudan: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $24,400,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,631,300,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $200,000,000 should be made available for programs, activities, and efforts to support Palestinians, of which $50,000,000 should be made available for assistance for Israel to help ease the movement of Palestinian people and goods in and out of Israel: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for assistance for displaced persons in Afghanistan: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 should be made available to support Afghan women's organizations that work to defend the legal rights of women and to increase women's political participation: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be transferred to the Overseas Private Investment Corporation for the cost of direct and guaranteed loans as authorized by section 234 of the Foreign Assistance Act of 1961: Provided further, That such costs, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

For an additional amount for ''Assistance for the Independent States of the Former Soviet Union'' for assistance to Ukraine, $70,000,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, $5,000,000 shall be made available for democracy programs in Belarus, which shall be administered by the Bureau of Democracy, Human Rights and Labor, Department of State: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available through the United States Agency for International Development for humanitarian, conflict mitigation, and other relief and recovery assistance for needy families and communities in Chechnya, Ingushetia and elsewhere in the North Caucasus: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $660,000,000, to remain available until September 30, 2007, of which up to $46,000,000 may be transferred to and merged with ''Economic Support Fund'' if the Secretary of State, after consultation with the Committees on Appropriations, determines that this transfer is the most effective and timely use of resources to carry out counternarcotics and reconstruction programs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $108,400,000, to remain available until September 30, 2006: Provided, That of the funds appropriated under this heading, not less than $55,000,000 shall be made available for assistance for refugees in Africa and to fulfill refugee protection goals set by the President for fiscal year 2005: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $32,100,000, to remain available until September 30, 2006, of which not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

GLOBAL WAR ON TERROR PARTNERS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for responding to urgent economic support requirements in countries supporting the United States in the Global War on Terror, $40,000,000, to remain available until expended: Provided, That these funds may be used only pursuant to a determination by the President, and after consultation with the Committees on Appropriations, that such use will support the global war on terrorism to furnish economic assistance to partners on such terms and conditions as he may determine for such purposes, including funds on a grant basis as a cash transfer: Provided further, That funds made available under this heading may be transferred by the Secretary of State to other Federal agencies or accounts to carry out the purposes under this heading: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in the Act for the use of economic assistance: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $250,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $210,000,000, to remain available until September 30, 2006, of which $200,000,000 is for military and other security assistance to coalition partners in Iraq and Afghanistan: Provided, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be submitted no less than five days prior to the obligation of funds: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

VOLUNTARY CONTRIBUTION

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), is further amended by striking ''Iraq,''.

REPORTING REQUIREMENT

SEC. 2102. Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing: (1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities; (2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services; (3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel; (4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance; (5) the Palestinian Authority's cooperation with United States officials in investigations into the late Palestinian leader Yasser Arafat's finances; and (6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors: Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: Provided further, That up to $5,000,000 of the funds made available for assistance for the West Bank and Gaza by this chapter under ''Economic Support Fund'' shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority.

(RESCISSION OF FUNDS)

SEC. 2103. The unexpended balance appropriated by Public Law 108–11 under the heading ''Economic Support Fund'' and made available for Turkey is rescinded.

DEMOCRACY EXCEPTION

SEC. 2104. Funds appropriated for fiscal year 2005 under the heading ''Economic Support Fund'' may be made available for democracy and rule of law programs and activities, notwithstanding the provisions of section 574 of division D of Public Law 108–447.

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $11,935,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $66,512,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

In addition, notwithstanding any other provision of law, the Federal Bureau of Investigation shall have the authority to execute a lease of up to 160,000 square feet of space for the Terrorist Screening Center within the Washington, D.C. Metropolitan area.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $7,648,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINSTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'', $26,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $84,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $276,000,000, of which not less than $11,000,000 shall be available for the costs of increasing by no less than seventy-nine the level of full-time equivalents on board on the date of enactment of this Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $111,950,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $49,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

CAPITOL POLICE

SALARIES

For an additional amount for salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

EXPENSES

For an additional amount for necessary expenses of the Capitol Police, $13,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ARCHITECT OF THE CAPITOL

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for Capitol Police Buildings and Grounds, $23,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $7,070,000, to remain available until September 30, 2007, for United States tsunami warning capabilities and operations: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', $10,170,000, to remain available until September 30, 2008, for United States tsunami warning capabilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $124,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,800,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $30,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $29,150,000: Provided, That the amount provided under this

heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $36,000,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $3,600,000 for Operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $350,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'', $8,100,000, to remain available until September 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004 and March 2005, $656,000,000, to remain available until September 30, 2006: Provided, That these funds may be transferred by the Secretary of State to Federal agencies or accounts for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: Provided further, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with ''Development Credit Authority'' for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $20,000,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development'', of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $500,000 may be transferred to and consolidated with ''Operating Expenses of the United States Agency for International Development Office of Inspector General''; and up to $5,000,000 may be transferred to and consolidated with ''Emergencies in the Diplomatic and Consular Service'' for the purpose of providing support services for United States citizen victims and related operations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for environmental recovery activities in Aceh, Indonesia, to be administered by the United States Fish and Wildlife Service: Provided further, That of the funds appropriated under this heading, not less than $12,000,000 should be made available for programs to address the needs of people with physical and mental disabilities resulting from the tsunami: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 should be made available for programs to prevent the spread of the Avian flu: Provided further, That of the funds appropriated under this heading, $1,500,000 shall be made available for trafficking in persons monitoring and prevention programs and activities in tsunami affected countries: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

ANNUAL LIMITATION

SEC. 4501. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2292a), to address relief and rehabilitation needs for countries affected by the Indian Ocean tsunami and earthquakes of December 2004 and March 2005, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

AUTHORIZATION OF FUNDS

SEC. 4502. Funds appropriated by this chapter and chapter 2 of title II may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For an additional amount for ''Research and Education Activities'' to provide a grant to the University of Hawaii to partially offset the cost of damages to the research and educational resources of the College of Tropical Agriculture and Human Resources incurred as a result of the catastrophic flood that occurred on October 30, 2004, as authorized by law, $3,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair damages to the waterways and watersheds resulting from natural disasters, $103,000,000, to remain available until expended: Provided, That of the amount provided, no less than $66,000,000 shall be for eligible work in the State of Utah: Provided further, That notwithstanding any other provision of law, the Secretary of Agriculture shall count local financial and technical resources, including in-kind materials and services, contributed toward recovery from the flooding events of January 2005 in Washington County, Utah, toward local matching requirements for the emergency watershed protection program assistance provided to Washington County, Utah: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS, THIS CHAPTER

RURAL HOUSING SERVICE

SEC. 5101. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may transfer any unobligated amounts made available under the heading ''Rural Housing Service'', ''Rural Housing Insurance Fund Program Account'' in chapter 1 of title II of Public Law 106–246 (114 Stat. 540) to the Rural Housing Service ''Rental Assistance Program'' account for projects in North Carolina: Provided, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RURAL HOUSING ASSISTANCE GRANTS

SEC. 5102. The Secretary of Agriculture shall consider the Village of New Miami (Ohio) to be eligible for loans and grants provided through the Rural Housing Assistance Grants program.

NATURAL RESOURCES CONSERVATION SERVICE

SEC. 5103. (a) Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to carry out measures (including research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works, and changes in the use of land) to prevent damage to the Manoa watershed in Hawaii.

(b) There is hereby appropriated $15,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

FARM SERVICE AGENCY

SEC. 5104. The funds made available in section 786 of title VII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 as contained in division A of the Consolidated Appropriations Act, 2005 (Public Law 108–447) may be applied to accounts of Alaska dairy farmers owed to the Secretary of Agriculture.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for ''Departmental Management'', $3,000,000 to support deployment of business systems to the bureaus and offices of the Department of the Interior, including the Financial and Business Management System: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' to pay necessary expenses of the

Forest Service to restore land and facilities in the State of California damaged by torrential rainfall during fiscal year 2005, $2,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'' to pay necessary expenses of the Forest Service to construct, repair, decommission, and maintain forest roads and trails in the Angeles National Forest, Cleveland National Forest, Los Padres National Forest, and San Bernardino National Forest, $31,980,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSIONS OF FUNDS)

For an additional amount for the ''Public Health and Social Services Emergency Fund'' in title II of Public Law 108–447, $10,000,000, to remain available until expended, for infrastructure grants to improve the supply of domestically produced vaccine: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): Provided further, That under the heading ''Health Resources and Services Administration, Health Resources and Services'', the unobligated balance for the Health Professions Teaching Facilities Program authorized in sections 726 and 805 of the Public Health Service Act; the unobligated balance of the Health Teaching Construction Interest Subsidy Program authorized in section 726 and title XVI of the Public Health Service Act; and the unobligated balance of the AIDS Facilities Renovation and Support Program authorized in title XVI of the Public Health Service Act are all hereby rescinded: Provided further, That under the heading ''Office of the Secretary, Office of the Inspector General'', the unobligated balance of the Medicaid Fraud Control Program authorized in section 1903 of the Social Security Act and appropriated to the Office of the Inspector General in the Department of Health and Human Services is hereby rescinded: Provided further, That under the heading ''Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency Program)'' the unobligated balance of the Scientific Activities Overseas (Special Foreign Currency Program) account within the Department of Health and Human Services is hereby rescinded.

RELATED AGENCY

INSTITUTE OF MUSEUM LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For an additional amount for the ''Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration'', $10,000,000, to be available until expended, for the Hamilton Library at the University of Hawaii at Manoa, including replacing the collections at the regional federal depository library: Provided, That the entire amount is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Salaries and Expenses, Courts of Appeals, District Courts and Other Judicial Services'' for unforeseen costs associated with recent Supreme Court decisions and recently enacted legislation, $60,000,000, to remain available until September 30, 2006: Provided, That notwithstanding section 302 of division B of Public Law 108–477, such sums shall be available for transfer to accounts within the Judiciary subject to section 605 of said Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING RESCISSION OF FUNDS)

Of the amount made available under this heading in Public Law 108–447, $238,080,000 are rescinded.

For an additional amount for ''Housing for Persons with Disabilities'', $238,080,000, to remain available until September 30, 2006: Provided, That these funds shall be available under the same terms and conditions as authorized for funds under this heading in Public Law 108–447.

GENERAL PROVISION, THIS CHAPTER

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 5401. (a) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make a grant to the University of Hawaii to cover unreimbursed expenses associated with costs resulting from the catastrophic flood that occurred on October 30, 2004.

(b) There is hereby appropriated $10,000,000, to remain available until expended, to carry out provisions of subsection (a): Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE VI—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

TRANSFER AUTHORITY—DEPARTMENT OF JUSTICE

SEC. 6002. Notwithstanding section 106 of title I of division B of Public Law 108–447, the Department of Justice may transfer funds from any Department of Justice account, except ''Buildings and Facilities, Federal Prison System'' and ''Office of Justice Programs'' accounts, to the ''Detention Trustee'' account: Provided, That the notification requirement in section 605 of title VI of division B of Public Law 108–447 shall apply to any such transfers.

SPACE CONSIDERATIONS—FEDERAL BUREAU OF INVESTIGATION

SEC. 6003. Notwithstanding any other provision of law, the Special Technologies and Application Section within the Federal Bureau of Investigation shall have the authority to use existing resources to acquire, renovate, and occupy up to 175,000 square feet of additional facility space within its immediate surrounding area.

TECHNICAL CORRECTIONS—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FISCAL YEAR 2005

SEC. 6004. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended after ''Bonneau Ferry, SC'' by striking ''20,000'' and inserting ''19,200'': Provided, That these amounts are available for transfer to ''Response and Restoration Base''.

SEC. 6005. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended under the heading ''Construction/Acquisition, Coastal and Estuarine Land Conservation Program'' by striking ''Tonner Canyon, CA'' and inserting ''Tolay Lake, Sonoma County, CA''.

SEC. 6006. The referenced statement of managers under the heading ''National Oceanic and Atmospheric Administration'' in title II of division B of Public Law 108–447 is deemed to be amended under the heading ''Construction/Acquisition, Coastal and Estuarine Land Conservation Program'' by striking ''Port Aransas Nature Preserve Wetlands Project, TX—3,000'' and under the heading ''Section 2 (FWCA) Coastal/Estuarine Land Acquisition'' by inserting ''Port Aransas Nature Preserve Wetlands Project, TX—3,000''.

LOCAL BUDGET AUTHORITY FOR THE DISTRICT OF COLUMBIA

SEC. 6007. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking ''$15,000,000'' and inserting ''$42,000,000, to remain available until expended,'' in its place, and

(B) by amending subsection (5) to read as follows:

''(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.''.

(2) By inserting a new section before the short title at the end to read as follows:

''SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

''(1) $174,927,000 (including $34,927,000 from local funds and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': Provided, That of the funds, $33,000,000 from local funds shall remain available until expended: Provided further, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

''(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

''(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

''(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'.''.

DE SOTO COUNTY, MISSISSIPPI

SEC. 6008. Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended by striking ''$20,000,000'' and inserting ''$55,000,000'' in lieu thereof, and by striking ''treatment'' and inserting ''infrastructure'' in lieu thereof.

SEC. 6009. The Secretary is authorized and directed to reimburse the non-Federal local sponsor of the project described in section 219(f)(30) of the Water Resources Development Act of 1992

(106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) for costs incurred between May 13, 2002 and September 30, 2005 in excess of the required non-Federal share if the Secretary determines that such costs were incurred for work that is compatible with and integral to the project: Provided, That the non-Federal local sponsor, at its option, may choose to accept, in lieu of reimbursement, a credit against the non-Federal share of project costs incurred after May 13, 2002.

FORT PECK FISH HATCHERY, MONTANA

SEC. 6010. Section 325(f)(1)(A) of Public Law 106–541 is modified by striking ''$20,000,000'' and inserting in lieu thereof ''$25,000,000''.

ALI WAI CANAL, HAWAII

SEC. 6011. For an amount from within available funds from ''General Investigations'' for the expansion of studies necessitated by severe flooding, up to $1,800,000, to remain available until expended.

INTERCOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, SR-1 BRIDGE, DELAWARE

SEC. 6012. The first proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''October 1, 2003, and September 30, 2004'' and inserting ''October 1, 2004, and September 30, 2005''.

OFFSHORE OIL AND GAS FABRICATION PORTS

SEC. 6013. In determining the economic justification for navigation projects involving offshore oil and gas fabrication ports, the Secretary of the Army, acting through the Chief of Engineers, is directed to measure and include in the National Economic Development calculation the benefits of future energy exploration and production fabrication contracts and transportation cost savings that would result from larger navigation channels.

MC CLELLAN KERR NAVIGATION SYSTEM ADVANCED OPERATION AND MAINTENANCE

SEC. 6014. The last proviso under the heading ''Operation and Maintenance'' in title I of division C of Public Law 108–447 is amended by striking ''Public Law 108–357'' and inserting ''Public Law 108–137''.

SILVERY MINNOW OFF-CHANNEL SANCTUARIES

SEC. 6015. The Secretary of the Interior is authorized to perform such analyses and studies as needed to determine the viability of establishing an off-channel sanctuary for the Rio Grande Silvery Minnow in the Middle Rio Grande Valley. In conducting these studies, the Secretary shall take into consideration:

(1) providing off-channel, naturalistic habitat conditions for propagation, recruitment, and maintenance of Rio Grande silvery minnows; and

(2) minimizing the need for acquiring water or water rights to operate the sanctuary.

If the Secretary determines the project to be viable, the Secretary is further authorized to design and construct the sanctuary and to thereafter operate and maintain the sanctuary. The Secretary may enter into grant agreements, cooperative agreements, financial assistance agreements, interagency agreements, and contracts with Federal and non-Federal entities to carry out the purposes of this Act.

DESALINATION ACT EXTENSION

SEC. 6016. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) is amended by—

(1) in paragraph (a) by striking ''2004'' and inserting in lieu thereof ''2009''; and

(2) in paragraph (b) by striking ''2004'' and inserting in lieu thereof ''2009''.

BUREAU OF RECLAMATION, HUMBOLDT TITLE TRANSFER

SEC. 6017. Notwithstanding Public Law 108–137, title II, sec. 217(a)(3) the State of Nevada shall be exempt from any payments associated with the Humboldt Title Transfer as described in Public Law 107–282, title VIII, sec. 804(f): Provided, That transfer costs shall not exceed $850,000.

OFFICE OF SCIENCE

SEC. 6018. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Department of Energy, Energy Programs, Science'' is amended by inserting '': Provided, That $2,000,000 is provided within available funds to continue funding for project #DE–FG0204ER63842–04090945, the Southeast Regional Cooling, Heating and Power and Bio-Fuel Application Center, and $3,000,000 is provided from within available funds for the University of Texas Southwestern Medical Center, University of Texas at Dallas Metroplex Comprehensive Imaging Center: Provided further, That within funds made available herein $500,000 is provided for the desalination plant technology program at the University of Nevada-Reno (UNR) and $500,000 for the Oral History of the Negotiated Settlement project at UNR: Provided further, That $4,000,000 is to be provided from within available funds to the Fire Sciences Academy in Elko, Nevada, for purposes of capital debt service'' after ''$3,628,902,000''.

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 6019. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Atomic Energy Defense Activities, National Nuclear Security Adminstration, Weapons Activities'' is amended by inserting after ''various locations'' the following: '': Provided further, That $3,000,000 shall be used to continue funding of project #DE–FC04–02AL68107, the Technology Ventures Corporation: Provided further, That notwithstanding the provisions of section 302 of Public Law 102–377 and section 4705 of Public Law 107–314, as amended, the Department may transfer up to $10,000,000 from the Weapons Activities appropriation for purposes of carrying out section 3147 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108–375''.

DEFENSE SITE ACCELERATION COMPLETION

SEC. 6020. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Atomic Energy Defense Activities, Environmental and Other Defense Activities, Defense Site Acceleration Completion'' is amended by inserting before the period the following: '': Provided, That $4,000,000 is to be provided from within available funds for the cleanup of lands transferred from NNSA to Los Alamos County or Los Alamos School District''.

DEFENSE ENVIRONMENTAL SERVICES

SEC. 6021. To the extent activities directed to be funded from within division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), in division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the ''Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Defense Environmental Services'' is amended by inserting before the period the following: '': Provided, That to the extent activities to be funded within the 'Defense Environmental Services' cannot be funded without unduly impacting mission activities and statutory requirements, up to $30,000,000 from 'Defense Site Acceleration Completion' may be used for these activities''.

CHERNOBYL RESEARCH AND SERVICE PROJECT

SEC. 6022. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 104–447), the item relating to the ''Atomic Energy Defense Activities, National Nuclear Security Administration, Environmental and Other Defense Activities, Other Defense Activities'' is amended by inserting before the period the following: '': Provided, That $5,000,000 is to be provided from within available funds to initiate the Chernobyl Research and Service Project to support radiation effects during the Chernobyl Shelter Implementation Plan within the Office of Environment Safety and Health''.

DEPARTMENT OF ENERGY SMALL BUSINESS CONTRACTS

SEC. 6023. Section 15(g) of the Small Business Act (15 U.S.C. §644), is amended by adding the following new paragraph:

''(3) For purposes of this section, the term 'prime contract' shall, with respect to the Department of Energy, mean prime contracts awarded by the Department of Energy, and subcontracts awarded by Department of Energy management and operating contractors, management and integration contractors, major facilities management contractors, and contractors that have entered into similar contracts for management of a departmental facility. Contracting goals established for the Department of Energy under this section shall be set at a level not greater than the applicable Government-wide goal.''.

YUCCA MOUNTAIN

SEC. 6024. Title III of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2951) is amended in the matter under the heading ''Nuclear Waste Disposal''—

(1) by inserting ''to be derived from the Nuclear Waste Fund and'' after ''$346,000,000,''; and

(2) in the second proviso, by striking ''to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act'' and inserting ''to participate in licensing activities and other appropriate activities pursuant to that Act''.

POWER MARKETING ADMINISTRATION

SEC. 6025. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to ''Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'' is amended by inserting before the period at the end the following: '': Provided further, That of the amount herein appropriated, $500,000 is provided on a non-reimbursable basis from within available funds for a transmission study on the placement of 500 megawatts of wind energy in North Dakota and South Dakota''.

DEPARTMENT OF HOMELAND SECURITY

REVOLVING FUNDS

SEC. 6026. (a) The Department of Homeland Security ''Working Capital Fund'' is abolished and any remaining unobligated or unexpended fund balances shall be immediately transferred to the ''Office of the Chief Financial Officer'' and shall be subject to section 503 of Public Law 108–334.

(b) The Department of Homeland Security may not use any funds made available under section 403 of the Government Management Reform Act of 1994 (Public Law 103–356).

(c)(1) There is established the ''Continuity of Government Operations and Emergency Management Revolving Fund'' (in this subsection referred to as the ''Revolving Fund'') which shall be administered by a board of directors designated by the Under Secretary for Emergency Preparedness and Response.

(2) There shall be deposited into the Revolving Fund such amounts—

(A) that would have been deposited into the ''Working Capital Fund'' abolished under subsection (a) in accordance with any memorandum of understanding between the Federal Emergency Management Agency and any agency or other entity providing for the funding of the ''Working Capital Fund'' before the date of enactment of Public Law 107–296;

(B) provided for in any other memorandum of understanding approved by the board of directors after the date of enactment of this Act; and

(C) derived from agreements defined in (c)(2)(A) that were transferred to the ''Office of the Chief Financial Officer'' pursuant to subsection (a).

(3) Funds in the Revolving Fund may be used only for activities and services relating to continuity of Government and emergency management carried out by the Federal Emergency Management Agency before March 1, 2003, or approved by the Committees on Appropriations of the Senate and the House of Representatives.

REPROGRAMMING PROVISIONS

SEC. 6027. Section 503 of the Department of Homeland Security Appropriations Act, 2005 (118 Stat. 1315) is amended by striking subsection (d) and inserting the following:

''(d) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for any information technology project that: (1) is funded by the 'Office of the Chief Information Officer'; or (2) is funded by multiple components through the use of reimbursable agreements; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation of funds.

''(e) Notifications of reprogrammings, transfers, and obligations pursuant to subsections (a), (b), (c) and (d) shall not be made later than June 30, 2005, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.''.

SEC. 6028. Any funds made available to the Department of Homeland Security by this Act shall be subject to the terms and conditions of Title V of Public Law 108–334.

BUREAU OF LAND MANAGEMENT TECHNICAL CORRECTION

SEC. 6029. Section 144 of division E of Public Law 108–447 is amended in paragraph (b)(2) by deleting ''September 24, 2004'' and inserting ''November 12, 2004''.

FOREST SERVICE TRANSFER

SEC. 6030. Funds in the amount of $1,500,000, provided in Public Law 108–447 for the ''Forest Service, Capital Improvement and Maintenance'' account, are hereby transferred to the ''Forest Service, State and Private Forestry'' account.

WEST YELLOWSTONE VISITOR INFORMATION CENTER

SEC. 6031. Notwithstanding any other provision of law, the National Park Service is authorized to expend appropriated funds for the construction, operations and maintenance of an expansion to the West Yellowstone Visitor Information Center to be constructed for visitors to, and administration of, Yellowstone National Park.

PESTICIDES TOLERANCE FEES

SEC. 6032. None of the funds in this or any other Appropriations Act may be used by the Environmental Protection Agency or any other Federal agency to develop, promulgate, or publish a pesticides tolerance fee rulemaking.

GULF ISLANDS NATIONAL SEASHORE

SEC. 6033. (a) The Secretary of the Interior shall allow the State of Mississippi, its lessees, contractors, and permittees, to conduct, under reasonable regulation not inconsistent with timely and generally full extraction of the oil and gas minerals:

(1) exploration, development and production operations on sites outside the boundaries of Gulf Islands National Seashore that use directional drilling techniques which result in the drill hole crossing into the Gulf Islands National Seashore and passing under any land or water the surface of which is owned by the United States, including terminating in bottom hole locations thereunder; or

(2) seismic and exploration activities inside the boundaries of Gulf Islands National Seashore related to extraction of the oil and gas located within the boundaries of the Gulf Islands National Seashore, all of which oil and gas is owned by the State of Mississippi.

(b) The provisions of subsection (a) shall not take effect until the State of Mississippi enters into an agreement with the Secretary providing that any actions by the United States in relation to the provisions in this section shall not trigger any reverter of any estate conveyed by the State of Mississippi to the United States within the Gulf Islands National Seashore in Chapter 482 of the General Laws of the State of Mississippi, 1971, and the quitclaim deed of June 15, 1972.

SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 6034. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''June 30, 2005,'' and inserting ''September 30, 2005,''.

REPEAL OF TRANSFER AUTHORITY

SEC. 6035. Section 101 and section 208 of Division F of Public Law 108–447 are hereby repealed.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2005

SEC. 6036. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement''—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read ''Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative'';

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read ''Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program'';

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multi-state effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read ''Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth'';

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read ''Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program'';

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read ''Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School'';

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)'';

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read ''QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history'';

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read ''The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO'';

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read ''Chester Economic Development Authority, Chester, PA for a community arts program'';

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read ''Kids with A Promise—The Bowery Mission, New York, NY'';

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce ''Educating America'', a documentary about the challenges facing our public schools shall be deemed to read ''Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools'';

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read ''American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar''; and

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read ''Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION—FISCAL YEAR 2005

SEC. 6037. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read ''University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students'';

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read ''Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities'';

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read ''University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs''; and

(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read ''Moberly Area Community College, Moberly, MO for equipment and technology''.

TECHNICAL CORRECTIONS—FUND FOR THE IMPROVEMENT OF EDUCATION—FISCAL YEAR 2004

SEC. 6038. In the statement of the managers of the committee of conference accompanying H.R. 2673 (Public Law 108–199; House Report 108–401), in the matter in title III of division E, relating to the Fund for the Improvement of Education under the heading ''Innovation and Improvement'' the provision specifying $1,500,000 for the University of Alaska at Fairbanks for Alaska System for Early Education Development

(SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska shall be deemed to read ''University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) program to expand early childhood services and to train Early Head Start teachers with AAS degrees for positions in rural Alaska''.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR GRANT REVIEWS

SEC. 6039. The matter under the heading ''Corporation for National and Community Service—National and Community Service Programs Operating Expenses'' in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: '': Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers''.

COPYRIGHT ROYALTY JUDGES

SEC. 6040. (a) During fiscal year 2005, the Librarian of Congress shall transfer from funds under the subheading ''SALARIES AND EXPENSES'' under the heading ''LIBRARY OF CONGRESS'' under title I of the Legislative Appropriations Act, 2005 to the account under the subheading ''SALARIES AND EXPENSES'' under the heading ''COPYRIGHT OFFICE'' under the heading ''LIBRARY OF CONGRESS'' under title I of that Act such funds as necessary to carry out the Copyright Royalty Judges program under chapter 8 of title 17, United States Code, as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419), subject to subsection (b).

(b) No more than $485,000 may be transferred under this section.

TECHNICAL CORRECTION—DEPARTMENT OF TRANSPORTATION

SEC. 6041. The matter under the heading ''Federal Transit Administration, Capital Investment Grants'' in title I of division H of Public Law 108–447 is amended by striking ''$3,591,548'' and inserting ''$1,362,683'' and by striking ''$22,554,144'' and inserting ''$12,998,815'': Provided, That the amount of new fixed guideway funds available for each project expected to complete its full funding grant agreement this fiscal year shall not exceed the amount which, when reduced by the across-the-board rescission of 0.80 percent of such Act, is equal to the amount of new fixed guideway funds required to complete the commitment of Federal new fixed guideway funds reflected in the project's full funding grant agreement: Provided further, That of the new fixed guideway funds available in Public Law 108–447, $1,352,899 shall be available for the Northern New Jersey Newark Rail Link MOS 1 project, no funds shall be available for the Northern New Jersey Newark-Elizabeth Rail Line MOS 1 project, and $316,427 shall be available for the Northern New Jersey Hudson-Bergen Light Rail MOS 1 project.

THE JUDICIARY

SEC. 6042. Section 308 of division B of Public Law 108–447 is amended by striking ''shall be deposited'' and all that follows through ''expenses'' and inserting in lieu thereof ''shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Office of the United States Courts''.

SEC. 6043. Section 325 of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as passed by the Senate on March 10, 2005, is amended—

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

''(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

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

'' ''(1)(A) 29.75 percent of the fees collected under section 1930(a)(1)(A) of this title; and

'' ''(B) 39.67 percent of the fees collected under section 1930(a)(1)(B);'';

''(2) in paragraph (2), by striking 'one-half' and inserting '75 percent'; and

''(3) in paragraph (4), by striking 'one-half' and inserting '100 percent'. '';

(2) by striking subsection (c) and inserting the following:

''(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking 'pursuant to 28 U.S.C. section 1930(b)' and all that follows through '28 U.S.C. section 1931' and inserting 'under section 1930(b) of title 28, United States Code, 29.75 percent of the fees collected under section 1930(a)(1)(A) of that title, 39.67 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title'. ''; and

(3) by striking subsections (d) and (e) in their entirety.

TECHNICAL CORRECTIONS—GENERAL SERVICES ADMINISTRATION

SEC. 6044. Under the heading ''Federal Buildings Fund'' in title IV of division H of Public Law 108–447, strike ''$60,000,000'' and insert in lieu thereof ''$60,600,000'' in reference to the Las Cruces United States Courthouse.

SEC. 6045. Section 408 in title IV of division H of Public Law 108–477 is amended by striking ''Section 572(a)(2)(ii)'' and inserting in lieu thereof ''Section 572(a)(2)(A)(ii)''.

TECHNICAL CORRECTION—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 6046. (a) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 230 by striking ''City'' and inserting ''Port''.

(b) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 233 by inserting ''Port of'' before the words ''Brookings Harbor''.

(c) The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 30 by inserting ''to be used for planning, design, and construction'' after ''California,''.

(d) The referenced statement of managers under the heading ''Community Development Fund'' in title II of division G of Public Law 108–199 is deemed to be amended with respect to item number 122 by inserting ''to be used for planning, design, and construction'' after ''California,''.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005''.

Amend the title so as to read: ''An Act Making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.''.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate now has under consideration H.R. 1268, the fiscal year 2005 emergency supplemental appropriations bill. Pending is the substitute amendment recommended by the Committee on Appropriations. The committee met last Wednesday, April 6, and reported the bill with the substitute amendment by a unanimous consent vote of 28 to 0.

Our recommended substitute would provide a total of $80,581,832,000 in supplemental appropriations for fiscal year 2005. The recommendation is $1,460,796,000 below the President's request and $758,046,000 below the amount recommended in the House-passed bill.

The substitute is comprised of six titles.

Title I provides a total of $74,426,257,000 for defense-related activities, primarily the costs of continuing operations in Iraq and Afghanistan.

Title II includes $4,322,700,000 for international security programs, for assistance for reconstruction in Iraq and Afghanistan, and for support for coalition allies.

Title III provides appropriations in the amount of $687,145,000 for domestic activities related to homeland security and counterterrorism.

Title IV includes appropriations for Indian Ocean tsunami relief in the amount of $907,344,000.

Title V includes $238,390,000 for other emergency appropriations.

Title VI includes general provisions and technical corrections.

This is a straightforward bill. It meets the needs of our fighting forces overseas. It provides funding to meet our international responsibilities. It offers relief to the victims of the catastrophic tsunami in the Indian Ocean and addresses emergency requirements at home. It is critically important we move this bill through the Senate in a deliberate but expeditious fashion so we may confer with our colleagues from the other body and present legislation for the President's signature by the end of this month.

I will not take further time of the Senate today to go into all of the details of the proposal. Individual subcommittee chairmen and their ranking minority members will be available to Senators to explain the details of the bill as needed and as requested by Senators.

At the appropriate time, I will move the committee substitute be adopted and be treated as original text for the purposes of further amendment.

Before yielding to my distinguished friend and colleague from West Virginia, Senator BYRD, the ranking minority member of the committee, I share with the Senate an interesting e-mail that was sent to one of my staff members by one of the helicopter pilots who was aboard the USS *Abraham Lincoln*, which steamed into the Indian Ocean immediately upon hearing about the devastating earthquakes and the tsunami tidal waves in that region of the world. They were one of our largest ships in the general region. They immediately got underway from their

port when they heard the news and could tell how serious this situation was and steamed to the region.

This friend wrote an e-mail to my detailee from the Department of Defense who is a CDR Brian Glackin. At this time he has gone back to active duty for his full-time job in the Navy. He gets this e-mail, which he gave me a copy of, which I will read portions of so we can appreciate the response of the United States, as quickly as it was made, to this devastating situation.

Stationed aboard the Abraham Lincoln we were inport Hong Kong on the morning of 26 Dec when we heard of the massive earthquake and devastating Tsunamis in the Bay of Bengal. As soon as we were aware of the horrible destruction we departed Hong Kong and headed South at best speed . . .

Then he described what happened when they arrived.

I was in the first wave of helos sent ashore to establish a logistical hub and move supplies from Banda Acch airport—only a few miles from the destroyed north coast of the island.

He describes the bodies in the water, the houses floating in the ocean, the scenes along the coast as they were flying into the airport.

We arrived at the airport to a scene of confusion and near chaos. Six days after the disaster and there was no infrastructure in place to assist these people. About 500 displaced Indonesians who had survived had made their way to the airport in search of a flight out of the area.

. . . there was only one other American military member at the airport—an Army Major who had made his way up from the Embassy in Jakarta. A few Australians were already there and had set up a logistics hub to accept supplies. The Indonesian military had a base here as well and were accepting supplies but they had no other way than trucks to travel to the destroyed areas inland to move the food and water.

Then he talks about being a fixed wing pilot. He was not able to fly helicopters, but he helped coordinate the relief efforts. He complimented the nongovernment organizations that within an hour had loaded our first relief supplies to move down the west coast. He complimented the USAID and the International Organization of Migration as being invaluable in the establishing of assistance. He said:

USAID has amazing logistical support to gather supplies from all over the world. The one thing both of these organizations lacked was the ability to distribute supplies to the people in need. That is where we came into play.

We have set up a system now to have twelve of our Helicopters flying from sunrise to sunset to assist. We have been carrying everything from biscuits, rice, noodles, milk, water and medical supplies. We transport doctors and medical staff as well. The Indonesian people are in need of everything. Their homes along the coast have been washed away and we are finding them wandering aimlessly with no ability to acquire food, water or badly needed medical assistance. They all lack the ability to communicate as all phone lines are destroyed and there is no electricity. As our pilots drop off these supplies there are stories of the Indonesians hugging them with relief and joy.

Our pilots then fly north to return back to [the airport] for resupply and they are finding small pockets of personnel who do not have any aid. They are able to pick many of them up and fly them to [the airport]. Most are near death.

Yesterday we had a helo land with seven badly injured or dehydrated personnel all in critical condition. One was a seven year old girl. The doctors told me we saved her life as she would not have lived through the night. I couldn't help but think of my beautiful daughters and it was then that I realized the gravity of what we really were doing.

He said:

I see on the news [now] the incredible outpouring of support from the US—it is a wonderful and necessary thing. The effort here at sea is equally as impressive. These young sailors are all extremely eager to get ashore and do whatever is needed despite the threat of disease and the obvious destruction.

He pointed out earlier that no sailors were asked to do anything who did not volunteer to do it. The commanding officer asked if sailors would like to participate and go ashore, and there were huge numbers who did.

My squadron alone has already put numerous sailors ashore to assist with the loading and moving of the helos. I have never been so proud to be a member of the US military. We often are focused on keeping the peace and deterring evil acts. To now be able to have a direct impact in saving lives and attempt to rebuild a society is a testament to the United States' amazing resolve and capabilities.

I thank you all for your efforts and your support. Please continue to keep the Indonesians in your thoughts and prayers. As of today this country alone is approaching 100,000 deaths from this disaster—we need to do all that is possible to mitigate any further suffering or loss of life.

Signed: CDR T.R. Williams, Executive Officer, deployed aboard the USS *Abraham Lincoln*.

Mr. President, I ask unanimous consent that the entire e-mail that I read from be printed in the RECORD.

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

From: Glackin, Brian CDR AAUSN–PTGN (FM&C) [mailto:brian.glackin@navy.mil]
Sent: Thursday, January 13, 2005 7:08 AM
To: Cochran, Thad (Cochran)
Subject: FW: Tsunami update from the Lincoln

SENATOR, Below is a letter from a fellow naval aviator and good friend explaining his role in the Tsunami relief efforts. I think you will find it interesting.

Very Respectfully,

BRIAN.

Hello family and friends,

I just spent 3 days ashore at Banda Aceh working to assist all of those in dire need in Indonesia.

Stationed aboard the Abraham Lincoln we were inport Hong Kong on the morning of 26 Dec. when we heard of the massive earthquake and devastating Tsunamis in the Bay of Bengal. As soon as we were aware of the horrible destruction we departed Hong Kong and headed South at best speed—without any official request from governments. As we proceeded, we were completely unaware of what we could do or even if we would be needed, but we continued through the Strait of Malacca enroute to Indonesia and Thailand. Our mission was quickly defined and we were tasked to assist Indonesia as best as able. To do so we requested volunteers aboard the ship to assist. The response as you can imagine was overwhelming as all sailors want to do is help any way possible. We also knew that this would be a job for the SH–60 Helicopters we have aboard. We have currently shut down the flying for all carrier fixed wing aircraft (that's me) as there was no mission or request. For the first time in my 17 year Naval career, I have seen us stop flying tactical fixed wing aircraft—the primary purpose of an aircraft carrier—completely as all of our focus is on this disaster.

We arrived off the north shore of Indonesia on the morning of January 1st. I was in the first wave of helos sent ashore to establish a logistical hub and move supplies from Banda Aceh airport—only a few miles from the destroyed north coast of the island. Not knowing what to expect as we lifted off the deck, we were quickly given a glimpse as we could see numerous corpses floating in the water. There were large clusters of debris that looked like one time houses floating in piles scattered all over the ocean. As we approached the decimated shore we saw a cargo ship that was at least 300 feet long capsized on the beach. Proceeding further inland we were amazed that the coastal town was gone, You could see outlines of where foundations once were, but as the earthquake shook them loose, the Tsunamis washed everything out to sea. As we continued inland, the devastation was evident more than 2 miles from the coast. We then approached very green and lush mountains—a sharp contrast to the leveled brown terrain of the decimated coast. We climbed in the helos over these 2,000 foot peaks and entered an area of surreal, beautiful countryside.

We arrived at the airport to a scene of confusion and near chaos. Six days after the disaster and there was no infrastructure in place to assist these people. About 500 displaced Indonesians who had survived had made their way to the airport in search of a flight out of the area southeast to the safe havens of Medan or Jakarta where there is little or no damage.

Upon arrival, there was only one other American military member at the airport—an Army Major who had made his way up from the Embassy in Jakarta. A few Australians were already there and had set up a basic logistics hub to accept supplies. The Indonesian military had a base here as well and were accepting supplies but had no way other than trucks which could not travel on the destroyed roads to move the food and water.

Being a Prowler pilot with no helicopter flying abilities, I was sent in to be the Carrier Air Wing Two liaison to move supplies! Realizing there was no one to liaise with, myself and my squadron mate, Lt. Ken ''Jub'' Velez became the primary coordinators to make this relief effort happen. Arriving at 0900, we were able to coordinate with the Indonesians and the NGO's (Non-Government Organizations), and within an hour have our first load of relief supplies moving down the west coast. The two primary NGO's USAID and IOM (International Organization of Migration) have been invaluable in the establishing of assistance. They have a small medical tent with trained doctors capable of triaging and stabilizing patients.

US AID has amazing logistical support to gather supplies from all over the world. The one thing both of these organizations lacked was the ability to distribute supplies to the people in need. That is were we came into play.

We have set up a system now to have twelve of our Helicopters flying from sunrise to sunset to assist. We have been carrying everything from biscuits, rice, noodles, milk, water and medical supplies. We transport doctors and medical staff as well. The Indonesian people are in need of everything.

Their homes along the coast have been washed away and we are finding them wondering aimlessly with no ability to acquire food, water or badly needed medical assistance. They all lack the ability to communicate as all phone lines are destroyed and there is no electricity. As our pilots drop off these supplies there are stories of the Indonesians hugging them with relief and joy. Our pilots then fly north to return back to Banda Aceh for resupply and they are finding small pockets of personnel who do not have any aid. They are able to pick many of them up and fly them to Banda Aceh. Most are near death. Yesterday we had a helo land with seven badly injured or dehydrated personnel all in critical condition. One was a 7 year old little girl. The doctors told me we saved her life as she would not have lived through the night. I couldn't help but think of my beautiful daughters and it was then that I realized the gravity of what we really were doing.

We will continue this effort as long as we are needed. It is difficult to imagine shifting back to fixed wing flight ops and leaving the area any time soon as the work to be done is almost insurmountable. We have been working hard with the hordes of press who badly need to tell this story. I enlisted the support of my squadron mate, LCDR Dave ''Smack'' Edgarton to specifically deal with the media. With every flight of two that we send down the coast, we embark a two man journalist team, as well as member of the IOM to coordinate with any injured or displaced persons who need our help. Yesterday we hosted Dan Rather and his CBS crew for a 60 minutes evening magazine special he was doing that should air sometime this week in the states. I had breakfast with Mr. Rather aboard the carrier as we discussed the days' events and what he would like to see. He and his staff's graciousness and professionalism impressed me. We have flown Mike Chinoy from CNN and correspondents from all the major U.S. and international networks and newspapers. If something is coming from Banda Aceh, the U.S. Navy has helped them get their story.

I must say a few words about the volunteer effort here—it is truly an effort of amazement. I see on the news the incredible outpouring of support from the U.S.—it is a wonderful and necessary thing. The effort here at sea is equally as impressive. These young sailors are all extremely eager to get ashore and do whatever is needed despite the threat of disease and the obvious destruction. My squadron alone has already put numerous sailors ashore to assist with the loading and moving of the helos. I have never been so proud to be a member of the U.S. military. We often are focused on keeping the peace and deterring evil acts. To now be able to have a direct impact in saving lives and attempt to rebuild a society is a testament to the United States' amazing resolve and capabilities. I thank you all for your efforts and your support.

Please continue to keep the Indonesians in your thoughts and prayers. As of today this country alone is approaching 100,000 deaths from this disaster—we need to do all that is possible to mitigate any further suffering or loss of life.

My best to all,

CDR T.R. WILLIAMS,
Executive Officer, VAQ–131.

Mr. COCHRAN. This bill before the Senate contains funds that help replenish the accounts that were depleted by our agencies that were actively involved in the tsunami relief. We are asking in the bill for the Senate to approve about $1 billion for related activities that were involved in that operation. The military, of course, incurred costs, too, and we hope this bill will help make up the difference in their accounts so they will continue to be able to protect our security interests around the world.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, this is the first appropriations bill brought to the floor under the chairmanship of my good friend, the senior Senator from the great State of Mississippi, THAD COCHRAN. He has scrubbed the numbers so that, as he has pointed out, the bill is under both the President's request and the House of Representatives allowance. I commend Senator COCHRAN for his efforts. This was not easy. He has been fairminded. He has been evenhanded in the processing of this bill.

I will say a few words about our former chairman, the very distinguished Senator from the State of Alaska, TED STEVENS. Because of the committee chair term limits imposed under the Republican Caucus, TED STEVENS has taken over the reins of the Senate Commerce Committee. He will do a good job there.

He is always up to the deed, up to the moment. He carries his responsibilities manfully, nobly, and he never forgets the Constitution of the United States, the fact that this Government is under that Constitution, that the separation of powers is a part of that Constitution, that the Senate is equal to the House of Representatives, and they make up the Congress of the United States, and that the Congress is equal to each of the other branches, the executive branch and the judicial branch.

But Senator STEVENS, although he has left the chairmanship, and had to leave by virtue of the Republican Caucus rules, still serves on the Appropriations Committee. He chairs the Subcommittee on Defense. He very ably chairs that subcommittee. He has had a lot of experience. He knows what he is doing, and he has a mind that is like a tar bucket. Everything that hits it sticks to it. He will continue to be a power. He has served and he continues to serve the people of Alaska with honor and dignity as their Senator.

Both of these men, the former chairman and the current chairman, are true gentlemen to the depths of their hearts in their relations with their colleagues. We know they are fair, and we are grateful for that.

Senator COCHRAN has worked hard to produce this fiscal year 2005 emergency supplemental appropriations bill. As he explained, it totals $80,581,832,000. That is $1,460,796,000 below the President's budget request and $785,046,000 below the House-passed bill. The supplemental bill that is before the Senate includes over $74.4 billion for the Department of Defense.

I must say that our men and women in uniform are indeed among the finest of our country's citizens. I heard the chairman read the letter from a man who was instrumental in helping the people who had been disadvantaged by the recent tsunami. This man was on a helicopter. He helped move that fixed-wing aircraft into the various parts of one of the islands or more than one perhaps.

I was there 50 years ago. I had to sleep in the mosquito cages, and I looked at a huge tarantula crawling around and listened to lizards over in the windows rustling about in the room in which I was to sleep. Well, this is terribly hot. Gee whiz, when I went there you had to lie down. You did not have enough energy to walk around. You slept in mosquito cages.

Well, think of what this man who wrote the letter was going through on the helicopter. He was on a mission of mercy—mercy—thank God. I salute him for that letter. What a graphic story of what was going on, and the service our men and women were performing. I salute them for their valor. I thank them for their service.

But we owe our troops more than mere gratitude for a job well done. We owe our troops the confidence of a clearly defined military mission, one that has measurable goals and benchmarks and, more importantly, one that has an identifiable endpoint. In short, we owe our troops—our men and women, our magnificent troops—in Iraq not only the resources with which to fight the war but also a strategy to end that war. I was never in favor of it in the beginning, but that is a matter of record and history.

Unfortunately, the President's supplemental budget request fails to deliver what our troops need most. The President is asking the Congress to continue to shovel out money into United States military operations in Iraq with no further clarity as to what goals the military is expected to achieve, no hint—not even a hint—of a possible timetable, and no end to the occupation in sight.

The recent elections in Iraq gave the United States a unique window of opportunity to change course in order to lower the profile of the American military presence and to open the door to greater international cooperation. But the administration, despite all of its conciliatory gestures to our European allies, has effectively squandered that opportunity.

The very size of this supplemental request sends a clear message that the United States is not winding down its military operations in Iraq. Instead, the United States appears to be gearing up either to accommodate a permanent military presence in Iraq or to establish a launching pad for other military operations in the region. Oh, how long—how long—is this going to continue in this fashion? Either way, we are sending the wrong signals to the people of Iraq, to its neighbors in the region, and to the larger international community.

Instead of taking this opportunity to temper anti-American sentiment

among disaffected Iraqis and their neighbors, the administration has turned up the heat, and now the Iraqis are saying: Get out. Leave us alone. Come back some other day, but let us alone. Let us alone. Those protests are mounting. The administration has turned up the heat with the construction of new military facilities in Iraq and the construction of the most costly Embassy in the world in Iraq, a country of only 25 million inhabitants.

You taxpayers out there who are watching this debate through those magnificent lenses, it is your money, your sons, your daughters.

I am troubled by many aspects of this request. I want to support our troops. I fully intend to support our troops. I would not think of doing otherwise. They are there. They have been there too long. Few of them asked to go there, but they are there. They are the empty chairs at the table on Thanksgiving, on Christmas, on holy days—empty chairs.

I am not willing to give the executive branch carte blanche to run roughshod over the Congress and to pursue policies never debated fully on this floor.

The request sent to the Congress by this administration contained ''ambiguous flexibilities'' to spend money on unspecified activities with little or no involvement of the Members of Congress. I am grateful that Chairman COCHRAN has responded to my entreaties to limit these extraordinary authorities. I suggest the committee bill still goes too far.

The President also requested, and the bill still includes, ambitious policy initiatives, including the construction of a permanent maximum security prison at Guantanamo, Cuba, and a host of seemingly enduring military facilities in Iraq. Why? The courts have yet to determine what the legal status is of detainees from the war on terrorism or whether the United States can continue to hold them indefinitely without charging them with any specific crime. Yet this bill includes $36 million to build a permanent prison facility at Guantanamo Bay. I went there years ago. These are policy decisions, not simply pocketbook issues. Decisions to build permanent facilities should not be made via an emergency supplemental appropriations bill.

In fact, the White House has turned on its head the definition of an emergency supplemental appropriation. In his budget, the President calls on Congress to deploy a stricter standard for what constitutes emergency spending, spending that is thus excluded from constraints on spending. He urges the Congress to only approve emergency spending for activities that are ''necessary expenditures, sudden, urgent, unforeseen, and not permanent.'' Yet the President has asked the Congress to approve funding for the most expensive U.S. Embassy in the world. And he hasn't done it in a regular bill; he has done it in an emergency war supplemental. This Embassy would be larger than the U.S. Embassy in Russia, larger than the U.S. Embassy in China, larger than the U.S. Embassy in Saudi Arabia, and 10 times the size of most U.S. Embassies. Funds to staff that Embassy, which will not be needed until fiscal year 2006, are also requested in this emergency bill. As noted earlier, to build a permanent prison at Guantanamo Bay is also requested.

A supplemental bill is being used to tunnel deeper and deeper and deeper into Iraq with no definitive exit strategy in sight and no light on the horizon. This request encompasses serious and far-reaching policy questions, and we are having it shoved down our throats.

Moreover, on July 17, 2003, the Senate voted 81 to 15 for my amendment expressing the sense of the Senate that the President should request funds for the wars in Iraq and Afghanistan—they are two different wars—in the regular budget, rather than through emergency supplemental appropriations bills.

On June 24, 2004, I offered the same sense-of-the-Senate amendment which was approved by an even wider margin in the Senate by a vote of 89 to 9. Both sides joined in. Republicans and Democrats joined in that vote. It was 89 to 9. These are strong, emphatic, definitive votes. This provision was included in both the fiscal year 2004 and fiscal year 2005 Defense Appropriations Acts. I didn't put those words in those acts alone. It was with the support of Republicans and Democrats on both sides of the aisle. So much for the views of the Senate.

Instead, the White House chose to seek an $81.9 billion emergency supplemental for fiscal year 2005 and requested nothing for the war for fiscal year 2006. This is not truth in budgeting. This is not leveling with the American people about their money. This is not truth in budgeting. This is hocus-pocus. Now you see it; now you don't. It is not there.

Tactics such as this hide the real cost of the wars. I say it to you people out there who are watching through those lenses, watching the most deliberative body, upper body in the world today—and I hope it remains that way; I hope the nuclear option is pushed aside—tactics like this, putting these requests into emergency supplementals, hiding the real costs of the wars. The American people don't see those costs. That is wrong. That is not being fair with the American people. That is not being honest with the American people. That is not being straightforward with the American people. That is not laying it on the line with the people who are going to pay the cost.

By seeking $81.9 billion as an emergency supplemental, rather than in his budget, the President avoids a debate about priorities and how the war should be paid for. By seeking an $81.9 billion emergency supplemental for the war, by asking for that much money in an emergency supplemental for the war in Iraq, the President avoids any discussion of the tradeoffs that are inherent in a decision to spend another $81.9 billion on defense and foreign aid.

If the President's emergency request for 2005 is approved, the Congress will have approved over $210 billion just for the war in Iraq. How much is $210 billion? That is $210 for every minute since Jesus Christ was born 2,000 years ago. How much is it? That is $210 for every minute that has passed since Jesus Christ was born 2,000 years ago.

While the budget deficit grows to record levels, the President tells us we have to cut domestic programs by $192 billion over the next 5 years. The President tells us we have to charge veterans—those brave men and women—for their medical care, and we have to cut grants for firefighters and first responders, that we cannot adequately fund the No Child Left Behind Act, and that we should cut funding for the National Institutes of Health.

For fiscal year 2006, the President fails to request any funding for the two wars in Iraq and Afghanistan. I will say that again. For fiscal year 2006, the President fails to request any funding for the wars in Iraq and Afghanistan. The President pretends that he cannot project what the war will cost in 2006. Well, I assure the American people the costs will not be zero. The President will not tell the American people what the war in Iraq will cost. No, he will not tell the American people what the war will cost in Iraq. It is your money, I say to the people of this country. Republicans, Democrats, Independents, whatever you will, it is your money.

Nor will the President give the American people a plan for getting out of Iraq. How long are the American people going to suffer under the weight of this colossal burden? The President continues to insist on borrowing the money to fund the war in Iraq 1 year at a time through emergency supplemental appropriations requests. So far, the Department of Defense has received appropriations of $16 billion, $14 billion, $7 billion, $10 billion, $63 billion, $65 billion, and $25 billion for the costs of the wars in Afghanistan and Iraq—all emergency spending, one piece at a time, and all of it, adding to our horrendous debt. What a shame. What a colossal shame.

In his budget for fiscal year 2006, the President's only plan to help pay for his tax cuts and his war in Iraq is to slash that small portion of the budget that pays for priorities at home. In order to hide the consequences of his proposed cuts in domestic programs—cuts of $192 billion over 5 years—the President's budget excludes the details that are traditionally included in the budget. However, based on data the Office of Management and Budget has provided to the Congress on the levels of funding in each of the next 5 years, the Center on Budget and Policy Priorities has studied the impact of the proposed cuts.

Adjusted for inflation for 2010, when the President's proposed reductions would reach their full dimensions, education funding for kindergarten through the 12th grade would be cut by $4.6 billion or 12 percent. Grants to States and localities would be cut by nearly $22 billion in 2010. The number of low-income women, infants, and young children receiving assistance through the WIC supplemental nutrition program would be cut, cut, cut by $670,000. The number of children in low-income working families who receive childcare assistance would be cut, cut, cut by $300,000. The number of low-income families, elderly people, and people with disabilities who receive rental assistance through the provision of rental vouchers that help them to afford modest apartments would be cut, cut, cut by $370,000. Environmental protection would be reduced by 23 percent, including EPA programs that support State and local efforts to ensure clean drinking water, reduce air pollution, and upgrade sewage treatment facilities which would be sliced 28 percent.

I call on the President—Mr. President, I say this to the President in the White House—to send Congress a budget amendment this week that includes his estimates for the real costs of the wars in Iraq and Afghanistan. There are tradeoffs we are making to fund these efforts to the tune of about $1 billion a week. There needs to be a debate about that. The issue becomes crystal clear when these war costs are shown as part of the regular budget process. As we consider the budget for fiscal year 2006, Congress should understand the full cost of the wars.

I want to say that again. I shall say it again. As we consider the budget for fiscal year 2006, Congress should understand and the American people should understand the full costs of the wars, and especially the war in Iraq, so that we, the Members of Congress, can make reasoned spending choices so that we can inform our constituents about how we plan to pay for those choices.

Again, I thank my chairman. I thank the staff, the magnificent staff of the Appropriations Committee, the staff who worked hard to help our chairman and to help me and to help the members of our Appropriations Committee in our efforts to bring this full bill to the floor.

The majority staff is led by Keith Kennedy. There is a man, Keith Kennedy. He knows what he is doing. He knows this bill up and down and sideways. Keith Kennedy. I am gratified that the chair has chosen him, and I am also thankful to the chair that he has chosen a man like Mr. KENNEDY.

I am also thankful for the minority staff, led by Terry Sauvain, that man from Notre Dame, and a deputy named Chuck Kieffer. He has worked on both the legislative and executive sides. He knows the appropriations process inside, outside, from the executive branch viewpoint and from the legislative side. I thank all of the members of the appropriations staff on both sides of the aisle. I thank the Chair, and I thank all Senators. Again, I thank my illustrious chairman.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to and be considered as original text for the purpose of further amendments and that no points of order be waived by virtue of this agreement.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, that request is supported on this side of the aisle 100 percent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I compliment and thank most sincerely my friend from West Virginia, the distinguished senior Democratic member of the Appropriations Committee, for his support during the committee markup in terms of the procedures for the consideration of the House-passed bill. We substituted a complete text in the committee markup for the House bill and proceeded to consider amendments to that text. We made some changes in that House bill, as is reflected by the total amount we are recommending be appropriated in the bill by the Senate.

We bring the bill in below the level of funds requested by the President for this bill, and it is below the level approved by the House of Representatives. We hope Senators will consider their ideas for changes or improvements in the bill. We are not attempting to rush the Senate to completion of action on this bill, but we do want to move ahead with dispatch so we can get the funds that are provided in this bill to the agencies where they are needed, to the Department of Defense and the Department of State for depleted accounts.

The challenges we face in Iraq and Afghanistan have been costly, as we all recognize, but we need to move forward to a successful conclusion of those operations so that troops can be returned home as soon as possible, so that stability can be restored in that and other regions of the world, and so that the economy of those countries can be free flowing once again.

In that connection, I was heartened to receive a call from the Secretary of Agriculture last week advising me that the interim government in Iraq had decided to purchase 60,000 tons of rice from the United States. This is an indication, it seems to me, that their economy is beginning to move forward, that the Iraqi Government and the people of Iraq are moving toward the day when they will be able to stand on their own two feet, that they will be able to take care of themselves from a security standpoint and in every other way be a functioning entity in that region for stability and economic progress. That is the goal; that is the purpose of the sacrifices we are making today—to make this world safer for all people.

I compliment the President and the leadership of his Cabinet—particularly Secretary Rumsfeld and Secretary Rice—as they carry out the missions of the Departments of Defense and State at this very difficult time. Now is not the time for the Senate to start eroding the confidence we have in the challenges we face and the way we are proceeding to meet those challenges. I believe we are making good progress, and we ought to compliment the administration for the work they have done in this very difficult period in our Nation's history.

I urge the Senate to approve this substitute.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to come to the floor to support the defense portion of the emergency supplemental appropriations bill before us. I thank Senator COCHRAN and Senator BYRD for their support of the funding requested by the Pentagon to continue the efforts of our Nation in Iraq and Afghanistan and the global war on terrorism.

The bill has been highlighted by the chairman and Senator BYRD. It provides $73.3 billion in new discretionary spending authority for the Department of Defense programs. Most of those funds are to continue the operations in Iraq and Afghanistan, but we also have authorized use of that to pay back those accounts from which funds were borrowed during the first half of the current fiscal year on an emergency basis for continued operations in those areas.

Mr. President, $17.5 billion of this money will go toward military appropriations accounts. Those moneys are used to fund pay allowances and subsistence and other personnel costs for active Guard and Reserve troops activated for duty throughout the world.

This bill also includes funding for special pay, such as imminent danger pay, family separation allowances, and hardship duty pay.

We also provide additional funds for the Servicemembers' Group Life Insurance Program and for an enhanced death gratuity. Specifically, this bill increases service members' insurance coverage from $250,000 to $400,000 and raises the death gratuity from $12,000 to $100,000. This has been requested, and Congress has authorized to fund these enhanced benefits to cover those military personnel who have been or may be killed in combat operations.

We recommend an increase in the death gratuity benefit to cover those service members killed in training or in other combat-related activities. Almost half of the defense portion of this bill goes toward the operation and maintenance accounts of the Department of Defense—$37.4 billion. Now,

this reflects the cost of ground operations, flying hours, logistics support, fuel, travel, transportation, and support of the global war on terrorism.

Additionally, it will finance the repair and refurbishment of equipment used in Iraq and Afghanistan to ensure that our forces remain ready to meet global operational commitments.

The bill provides $15.9 billion for procurement activity across the military. It funds force protection equipment, replacement and repair of equipment lost in operations, and the equipping of units to support upcoming rotations. Senior Department of Defense officials informed our committee that they need to receive this supplemental funding by early May in order not to impact readiness levels.

We all know it will take some time to take this bill through conference, so I urge the Senate to complete action on the supplemental bill as soon as possible so that we can proceed to confer with our friends in the House and give this bill to the President for signature so it can be reviewed by the processes downtown, which takes at least 10 days, and get this money to the Department in time to meet these contingencies so they don't have to borrow additional moneys from other accounts. It complicates the operation when that continues.

I hope Senators will come forward with their amendments, if they have any, on this portion of the supplemental bill.

Again, I commend our distinguished chairman and senior ranking member, Senator COCHRAN and Senator BYRD, for their cooperation with us in bringing this portion of this bill before the Senate. We are a little bit lower than the House, and the bill is lower than the President's request. I think as matters continue we are going to have to review the numbers and make sure we meet the pressing, urgent needs of those who wear the uniform of the United States.

Again, I urge Senators to come forward and make suggestions for amendments, if they have them. I look forward to continued support of this bill.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the bill before us, as noted by the Senator from Alaska, includes $74.4 billion. Of that amount, $73.3 billion is under the jurisdiction of the Subcommittee on Defense.

The vast majority of this funding, approximately $42.5 billion, is recommended to cover the costs of operations in Iraq and Afghanistan. With 150,000 military personnel in Iraq and another 18,000 in Afghanistan, the funding included in this bill is essential to support our forces.

The bill also includes $12 billion to repair and replace equipment damaged in the operations abroad. This funding will allow the military departments to reequip our forces who are returning from combat. Without these funds, our military would not be equipped to meet future crises.

The bill provides $5.3 billion for new equipment for our Army and Marine forces as they restructure their forces to create additional combat capability. While some may question whether these funds qualify as emergencies, it should be clear that our military forces will need these funds as they begin restructuring transformation.

Finally, the remaining funds are provided to support those nations which are taking part in the operations abroad, including training and equipping the Afghanis and Iraqis, and to support related efforts for recruiting, morale welfare, recreation, and other military personnel needs.

I support this bill, and I urge all of my colleagues to join me in supporting this measure. I thank the Chair.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF PAUL A. CROTTY TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session for the consideration of Executive Calendar No. 38, which the clerk will report.

The assistant legislative clerk read the nomination of Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate equally divided between the chairman and ranking member of the Committee on the Judiciary or their designees.

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak in favor of an extremely fine gentleman, Paul Crotty, to be confirmed to the Southern District of the New York bench. Paul Crotty is a fine man, an outstanding lawyer, and he will make a terrific judge. Paul Crotty is an impressive nominee who has long enjoyed strong bipartisan support for a judgeship in New York. I am glad that at long last his nomination has finally been brought to the floor for a vote after languishing since last November.

First, I would like to talk a little bit about Paul Crotty. He has the support of not only myself and Senator CLINTON, he has the support of a broad range of New Yorkers, in fact. I personally would like to thank two who worked religiously on behalf of Paul Crotty's nomination, two former mayors of New York City, one a Democrat and one a Republican. They are Mayor Ed Koch and Mayor Rudy Giuliani.

Both had worked with Paul Crotty when they were mayor, and both speak extremely highly of him. In fact, I would like to read from the letter, for instance, that Mayor Giuliani sent:

> Paul Crotty is one of the finest men I know. He possesses all the qualities of an excellent judge—wisdom, compassion, toughness, curiosity, common sense, unwavering integrity, and an abiding love of the law. . . . Many possess knowledge of the law or knowledge of government. Paul Crotty is the rare individual who possesses mastery of both. He has set and achieved the highest standards at every stage of his career. Our Nation will be fortunate to have him join the Federal bench.

I don't have Mayor Koch's letter, but it was Mayor Koch who suggested to me the idea that Paul Crotty be nominated to the bench. I knew Paul in many different walks of life and thought it was a great idea and was happy to not only support his nomination but to work hard to see that it would pass.

Let me tell you a little bit about Paul Crotty. He has had a long and distinguished career in both the public and private sectors of the New York legal community. He graduated from Cornell Law School in 1967. He clerked 2 years for U.S. District Court Judge Lloyd MacMahon of the Southern District, the court to which he is now nominated. He served in city government as Mayor Koch's commissioner of finance and commissioner of housing. He was a partner in the very prestigious New York law firm of Donovan Leisure Newton Irvin.

He went on to serve Mayor Giuliani as New York City's corporation counsel and the head of the city's law department, perhaps the single most difficult legal job in municipal government anywhere in America.

Mr. President, Paul Crotty is an incredible choice. I have known him for a long time. He is smart, compassionate, decent. He has the two qualities I look for in a judge: a fine and deep intellect and a practical sense. Sometimes I worry that judges without practical experience impose things on Government or on society that cannot work, even though they might sound fine when you see it in writing and in black and white.

Paul's extensive and practical experience, as well as his legal experience, makes him a perfect candidate for a judge in the district court in the Southern District of New York, one of the most important courts in the country.

I want to make one other point. In New York, Paul Crotty's nomination is not the exception, it is the rule. We have worked extremely well together—the White House, the Justice Department, and the Senator from New

York—to bring judges to the floor. There have been no vacancies that have been outstanding for a long period of time in either the Second Circuit, which I know my good friend and colleague, the ranking member, Senator LEAHY, is part of as well, nor have there been in the four district courts of New York in the East, Northwest, and South.

I think we have worked together well on this Crotty nomination. In general, we have worked well together in New York. The White House and Senate, including Democrats in the Senate, can work well together to bring fine men and women to the bench.

The candidates who have been nominated in the Second Circuit and in the courts of New York—I don't agree with them on everything at all, but they are fine people. They are qualified people, and I would say none of them are at the extremes—either far right or far left. They are not the kind of ideologues who seek to make law. They are, rather, the kind of people the Founding Fathers wanted to see on the bench, people who would interpret the law.

Judges have awesome power, and judges on the Federal level have a lifetime appointment. You combine those two and you know you need people who don't think they know better than the public, that they know better than the Congress, that they know better than others. They interpret law; they don't make law. Paul Crotty exemplifies this. I am proud to support his nomination. I hope he will get unanimous support on the floor of the Senate. I know he will make an outstanding judge.

I congratulate Paul Crotty for his great career, and his wife, his children, and the entire Crotty family, who are well known in New York for their public service from one end of the State in Buffalo, where the family originally came from, to the other end in New York City.

I yield the floor to our ranking member, Senator LEAHY.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from New York, Mrs. CLINTON, be recognized, but that I retain the last 5 minutes of the time before the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York, Mrs. CLINTON, is recognized.

Mrs. CLINTON. Mr. President, I thank my colleague and our ranking member of the Judiciary Committee. I, too, am enthusiastic about this nominee. This is a supremely qualified judicial nominee, and he will serve with great distinction in the Southern District in New York. He does hail from a family and tradition of public service, and his hometown of Buffalo is particularly pleased this vote is about to occur.

Mr. President, he has distinguished himself in both the public and the private sectors. He served for years as a practicing attorney in New York City. He has served as a counsel for a major corporation, and he has always served his community. After the attack of September 11, Paul Crotty signed on to serve on the Lower Manhattan Development Board to help Lower Manhattan recover from those devastating attacks. He has been active in organizations, such as the New York Urban League, City Bar Fund, and the Tri-State United Way. He worked very closely with Mayor Ed Koch, first as commissioner of financial services, and then as commissioner of housing preservation and development.

He later served as corporation counsel to Mayor Giuliani, during which he advised the mayor on a wide variety of issues. So, without question, Paul Crotty has the intellect, demeanor, and commitment to justice to serve the people of New York and America with distinction.

I, also, congratulate the entire Crotty family: Paul's wife Jane, his children John, Elizabeth, and David, his daughter-in-law Katherine, and his brothers Bob and Jerry, because this is a family accomplishment. The Crotty family, which extends far beyond the names I have mentioned—there are too many to enumerate—is a very close-knit family. I know how much pride they take in this nomination. Paul's father, Peter J. Crotty, who passed away in 1992, was a great political leader in New York. He instilled in his children that sense of tradition.

Finally, I want to acknowledge Paul's mother Margaret who is 92 years old and still lives in Buffalo. She has been and remains a tremendous influence in Paul Crotty's life and that of the entire Crotty family.

With this nomination today, Mr. President, the Senate will have confirmed 205 of the judicial nominations sent to the Senate by the President. I am very pleased we were all able to come together across the aisle to unanimously, I hope, support someone who is so well qualified for this lifetime appointment. Again, I thank my friend and colleague from Vermont, and I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I am pleased to see the Senate finally be able to vote on the nomination of Paul Crotty to be a U.S. District Court Judge for the Southern District of New York. The seat to which Mr. Crotty has been nominated has been unnecessarily vacant for months, and Democrats have been asked for months now, since last year, for this nominee to be considered, debated, voted on and confirmed.

As I have noted in earlier statements in the Judiciary Committee, among this President's renominations there are two noncontroversial judicial nominations on which we should have been able to make immediate progress. I have often spoken of the President's nomination of Mr. Crotty to the District Court for the Southern District of New York and the nomination of Michael Seabright to the District Court of Hawaii. All Democrats on the Judiciary Committee have been prepared to vote favorably on these nominations for some time. We were prepared to report them last year, but they were not listed by the then-chairman on the committee agenda. I thank Chairman SPECTER for including them at our meeting on March 17.

Last week I noted that both these consensus nominations were continuing to languish without action on the Senate calendar and that the Senate Republican leadership was refusing to work with us to schedule them for action. I thank the Senate Republican leadership for being willing to turn to the Crotty nomination this evening. I hope that they will not make Mr. Seabright, the people of Hawaii and the Hawaii District Court wait much longer before we are allowed to consider, debate and confirm Michael Seabright, as well.

Once confirmed, Mr. Crotty will be the 205th of 215 nominees brought before the full Senate for a vote to be confirmed. That means that 829 of the 875 authorized judgeships in the Federal judiciary, or 95 percent, will be filled. As late as it is in the year, we are still ahead of the pace the Republican majority set in 1999, when President Clinton was in the White House. That year, the Senate Republican leadership did not allow the Senate to consider the first judicial nominee until April 15.

Of the 46 judicial vacancies now existing, President Bush has not even sent nominees for 28 of those vacancies; more than half. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees and do so, again, today.

It is now the second week in April, we are more than one-quarter through the year, and so far the President has sent only one new nominee for a Federal court vacancy all year—only one. Instead of sending back divisive nominees, would it not be better for the country, the courts, the American people, the Senate and the administration if the White House would work with us to identify, and for the President to nominate, more consensus nominees like Paul Crotty who can be confirmed quickly with strong, bipartisan votes?

I commend the Senators from New York for their ability and efforts in connection with Mr. Crotty's nomination. Their support is very helpful and indicative of the type of bipartisan efforts Senate Democrats have made with this President and remain willing to make. We can work together to fill judicial vacancies with qualified, consensus nominees. The vast majority of the more than 200 judges confirmed during the last 3½ years were confirmed with bipartisan support. The truth is that in President Bush's first term, the 204 judges confirmed were

more than were confirmed in either of President Clinton's two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

There should be no misunderstanding; Mr. Crotty has strong Republican ties. He worked as Corporation Counsel for then-Mayor Rudolph Giuliani, and served in New York City government in a variety of posts over the years. After the terrorist attack on September 11, 2001, Mr. Crotty played a major role in coordinating Verizon's work in restoring telephone service to the New York Stock Exchange, Federal, State and local agencies and large business customers. He continues to play a significant role in Verizon's revitalization of its telephone network in Lower Manhattan. In 2002, Mr. Crotty led Verizon's efforts in a complex administrative proceeding to gain the New York Public Service Commission's authorization to rebalance retail revenues in light of the increasing competition in New York's communication market.

Mr. Crotty has also given generously of his time and currently serves on the Boards of the Lower Manhattan Development Corporation, Tri-State United Way, where he is also the Corporate Secretary, Polytechnic University, Council of Governing Boards, St. Vincent's Hospital-Manhattan, New York State Business Development Corporation, Regional Plan Association, and the New York Urban League. He has served on the Executive Committee of the Association of the Bar of the City of New York since 2001. In addition, Mr. Crotty serves on the Advisory Boards of the New York Law School and the C.U.N.Y. Irish Studies program.

Senate Democrats have long supported and requested action on this nomination. We will be delighted that the New York Senators will be able to call Mr. Crotty tonight and tell him that after 5 months of unnecessary delay the Senate finally did consider his nomination and granted consent overwhelmingly. I add my congratulations to Mr. Crotty and his family.

I have been urging this President and Senate Republicans for years to work with all Senators and engage in genuine, bipartisan consultation. That process leads to the nomination, confirmation, and appointment of consensus nominees with reputations for fairness. The Crotty nomination, the bipartisan support of his home State Senators and the Senate's act of granting its consent tonight with a strong bipartisan vote is a perfect example of what I have been urging.

I have noted that there are currently 28 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis. Last week we heard some extremists call for mass impeachments of judges, court-stripping and punishing judges by reducing court budgets. Rather than promote crisis and confrontation, I urge that this President do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts, and most importantly the American people for this administration and the Senate Republican leadership to continue down the road to conflict. The Crotty nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm these consensus nominees to these important lifetime posts on the Federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the constitutional limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks. It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people? The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly-owned subsidiary of any political party.

Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned.

Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the executive. The elimination of the filibuster would reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong Federal judiciary and, ultimately, at their rights and freedoms. Tonight's confirmation is a civics lesson that shows that the Republican's threatened use of the nuclear option is unnecessary and unwise.

Mr. President, I see the chairman of the committee on the floor. While I had the remainder of the time reserved, I will yield it to him, if that is possible—we are still going to vote at 5:30—if the chairman wishes. I yield the remainder of my time to the chairman.

The ACTING PRESIDENT pro tempore. The minority's time has expired. There were 15 minutes to each side. The Senator from Pennsylvania does have 15 minutes.

Mr. SPECTER. Mr. President, I thank the distinguished ranking member for his cooperation in moving the nomination of Paul A. Crotty to the U.S. District Court for the Southern District of New York.

By way of a very brief reply, I came in in the middle of the comments by the Senator from Vermont because he and I just attended a very lengthy meeting on the asbestos issue. We are working very hard and cooperatively on many matters on the Judiciary Committee. Asbestos is very high on the list. Just a brief comment there.

There are thousands of victims of mesothelioma who are dying and not being compensated because their companies have gone into bankruptcy. Some 74 companies have gone into bankruptcy, an enormous drain on the economy. I think it is fair to say that we just had a positive meeting with a number of Democrats and with Members of my side of the aisle. We are making progress.

I could not be here at the start of the argument because of the commitment there. I came in to hear the Senator from Vermont comment about the President, and I believe the President has made comments which are supportive of the Federal judiciary, as has the majority leader, Senator FRIST, made comments supportive of the Federal judiciary.

The Schaivo case raised the emotional level very high in the United States—really, beyond—for people who were on both sides of the issue. The rhetoric, I am pleased to see, has cooled, at least to some extent, but I believe that the Federal judiciary acquitted themselves in accordance with

their authority under separation of power, and there has been respect for the judicial role expressed by both the President of the United States and the majority leader of the Senate. That is enough said on that subject. I had not intended to get into it to any extent, but having heard those comments, I believe it is appropriate to respond.

Paul Crotty has a very distinguished academic record. He has a law degree from Cornell Law School, where he was a member of the Order of the Coif. He then clerked for Judge Lloyd MacMahon in the Southern District of New York. He has 35 years of legal experience. He is with the very prestigious New York firm of Donovan Leisure Newton & Irvine. He has had a notable career in public service, having served as a New York City commissioner in two mayoral administrations, first for Ed Koch and later for Rudolf Giuliani. So he worked on both sides of the aisle, Democratic and Republican.

He is currently the group president for New York and Connecticut of Verizon Communications. The American Bar Association gave him the highest rating of ''well qualified.'' He has the support of both New York Senators, and he has an excellent record.

I see the Senator from New York just arrived. He has already spoken. I do not have to make an act of generosity and give him 2 minutes, which will bring us to 5:30.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 10 minutes remaining.

Mr. SPECTER. I intend to conclude at 5:30 so we can start the vote because there are two votes. I know people are anxious to have the votes start. I do not think there is any question about Mr. Crotty being confirmed. He is an able candidate.

It is my hope that we will be able to move other nominees to the Senate floor for confirmation. The committee has reported out the nomination of William Myers, and it is my hope we will get an up-or-down vote on Mr. Myers. There is significant opposition, which I understand.

We are moving to conclude the consideration of Mr. Griffith, and then we have other nominees behind him.

I yield back the remainder of my time, and I ask for the yeas and nays on this nomination.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Iowa (Mr. HARKIN), and the Senator from New Jersey (Mr. LAUTENBERG) ARE NECESSARILY ABSENT.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 87 Ex.]

YEAS—95

Akaka	DeWine	McCain
Alexander	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Domenici	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Frist	Reed
Bond	Graham	Reid
Boxer	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Salazar
Burns	Hatch	Santorum
Burr	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Cantwell	Inouye	Sessions
Carper	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Johnson	Snowe
Clinton	Kennedy	Specter
Coburn	Kerry	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Talent
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Corzine	Lieberman	Vitter
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dayton	Lugar	Wyden
DeMint	Martinez	

NOT VOTING—5

Dorgan	Harkin	Murkowski
Enzi	Lautenberg	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Mr. DORGAN. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the vote on the nomination of Paul Crotty to be United States District Judge for the Southern District of New York. Had I been present, I would have voted in support of the nomination.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

AIRBUS LAUNCH AID

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report S. Con. Res. 25 by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 25) expressing the sense of Congress regarding the application of Airbus for launch aid.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the concurrent resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—96

Akaka	DeWine	Martinez
Alexander	Dodd	McCain
Allard	Dole	McConnell
Allen	Domenici	Mikulski
Baucus	Dorgan	Murray
Bayh	Durbin	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Biden	Feingold	Obama
Bingaman	Feinstein	Pryor
Bond	Frist	Reed
Boxer	Graham	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Leahy	Thomas
Corzine	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner
DeMint	Lugar	Wyden

NOT VOTING—4

Enzi	Lautenberg
Harkin	Murkowski

The concurrent resolution (S. Con. Res. 25) was agreed to, as follows:

S. CON. RES. 25

Whereas Airbus is currently the leading manufacturer of large civil aircraft, with a full fleet of aircraft and more than 50 percent global market share;

Whereas Airbus has received approximately $30,000,000,000 in market distorting subsidies from European governments, including launch aid, infrastructure support, debt forgiveness, equity infusions, and research and development funding;

Whereas these subsidies, in particular launch aid, have lowered Airbus' development costs and shifted the risk of aircraft development to European governments, and thereby enabled Airbus to develop aircraft at an accelerated pace and sell these aircraft at prices and on terms that would otherwise be unsustainable;

Whereas the benefit of these subsidies to Airbus is enormous, including, at a minimum, the avoidance of $35,000,000,000 in debt as a result of launch aid's noncommercial interest rate;

Whereas over the past 5 years, Airbus has gained 20 points of world market share and 45 points of market share in the United States, all at the expense of Boeing, its only competitor;

Whereas this dramatic shift in market share has had a tremendous impact, resulting in the loss of over 60,000 high-paying United States aerospace jobs;

Whereas on October 6, 2004, the United States Trade Representative filed a complaint at the World Trade Organization on the basis that all of the subsidies that the European Union and its Member States have provided to Airbus violate World Trade Organization rules;

Whereas on January 11, 2005, the European Union agreed to freeze the provision of launch aid and other government support and negotiate with a view to reaching a comprehensive, bilateral agreement covering all government supports in the large civil aircraft sector;

Whereas the Bush administration has shown strong leadership and dedication to bring about a fair resolution during the negotiations;

Whereas Airbus received $6,200,000,000 in government subsidies to build the A380;

Whereas Airbus has now committed to develop and produce yet another new model, the A350, even before the A380 is out of the development phase;

Whereas Airbus has stated that it does not need launch aid to build the A350, but has nevertheless applied for and European governments are prepared to provide $1,700,000,000 in new launch aid; and

Whereas European governments are apparently determined to target the United States aerospace sector and Boeing's position in the large civil aircraft market by providing Airbus with continuing support to lower its costs and reduce its risk: Now, therefore, be it

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

(1) European governments should reject Airbus' pending application for launch aid for the A350 and any future applications for launch aid;

(2) the European Union, acting for itself and on behalf of its Member States, should renew its commitment to the terms agreed to on January 11, 2005;

(3) the United States Trade Representative should request the formation of a World Trade Organization dispute resolution panel at the earliest possible opportunity if there is no immediate agreement to eliminate launch aid for the A350 and all future models and no concrete progress toward a comprehensive bilateral agreement covering all government supports in the large aircraft sector; and

(4) the President should take any additional action the President considers appropriate to protect the interests of the United States in fair competition in the large commercial aircraft market.

AIRBUS SUBSIDIES

Mr. FRIST. Mr. President, I am pleased that the Senate voted this afternoon in support of the resolution I submitted along with the Democratic leader, Senator REID, and the chairman and ranking member of the Senate Finance Committee expressing the Senate's concern about various subsidies provided by European governments to Airbus. This resolution sends a strong signal that the Senate supports the President's leadership and commitment to leveling the playing field in the large civil aircraft market.

As many of my colleagues know, the administration has been working hard to resolve this issue through the World Trade Organization, WTO. Last October, the United States filed a complaint at the WTO alleging that the subsidies provided to Airbus were in violation of WTO rules. This January, the European Union agreed to freeze launch aid payments and other support to Airbus while attempting to negotiate a comprehensive agreement on government support to the civil aircraft sector.

Unfortunately, despite the heroic efforts by former U.S. Trade Representative and current Deputy Secretary of State Robert Zoellick, the negotiations begun in January have broken down. Nevertheless, I want to commend him in particular for his involvement in these talks and his commitment to achieving a fair resolution of this issue. Since January, there has been little discernible progress in addressing the launch aid issue, which directly affects Boeing, Airbus's main competitor in the civil aircraft market.

The Senate, in passing this resolution today, is stating very clearly that EU subsidies to Airbus must end and that launch aid must be rejected in order to avoid WTO action by the U.S. I am encouraged by the comments of EU Trade Commissioner Mandelson in favor of extending the negotiation period that expires today to give both sides more time to reach a fair deal. However, additional discussions will only be productive if Commissioner Mandelson recommits to the framework agreed to 90 days ago. If the EU continues to flout the January agreement, WTO action may be unavoidable.

In addition, in my view, if the EU were to provide any new launch aid support for the A350, the U.S. would have no choice but to immediately request a WTO panel. This would be the largest trade dispute in the history of the WTO. I hope we do not have to go that route. It would be much better if both sides would come back to the table and restart substantive negotiations with the goal of reaching a bilateral agreement. American companies can compete with anyone in the world, but not on an uneven playing field. Airbus is a mature, profitable company that should compete on commercial terms without government subsidies. This resolution today says that we believe the playing field must be leveled for all competitors in the commercial aircraft market.

FOURTH ''RESOLVED'' CLAUSE

Mr. LOTT. Mr. President, I would ask the majority leader, who sponsored this concurrent resolution, to clarify his intended meaning of the fourth ''Resolved'' clause on page four of the resolution. I am specifically interested in the intention of the use of the terms ''any additional action'' and ''large commercial aircraft market.'' I ask because the aerospace industry is an integrated and global industry. In most every instance, aerospace companies are vertically integrated to some degree and they are engaged in many other related activities. In many instances, they are component manufacturers, as well as platform manufacturers. Would it be correct to understand that the majority leader does not intend that this clause target these other business activities that are not directly associated with the marketing and sale of large fixed-wing aircraft to commercial carriers in the passenger transportation market?

Mr. FRIST. Mr. President, I thank the Senator for his question. The phrases ''any additional action'' and ''large commercial aircraft market'' are solely intended to address those activities associated with business activities regarding the marketing and sale of large fixed-wing aircraft to commercial carriers in the passenger transportation market. They are not intended to address business activities of any specific company at the secondary or tertiary supplier level. Nor are they intended to address other business activities of any specific company engaged in other platform-related activities.

Mr. LOTT. Mr. President, I thank the majority leader for his response. Additionally, I understand that it is not the purpose of this resolution, and more specifically of the fourth ''Resolved'' clause, to suggest punitive action be taken against any company's activities related to products sold to U.S. Government agencies, such as the Department of Defense, Department of Homeland Security, or the U.S. Coast Guard, whether those products are radars, components of radars, or helicopters. Is this understanding correct?

Mr. FRIST. Mr. President, I agree with the understanding of the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the majority leader for his clarification of the resolution and its intent. I would encourage all of my colleagues to consider with care the possibility of unintended consequences. The complexity of this industry is such that my State and almost every State has numerous business and economic interests that could be negatively impacted if we are not careful about how we respond to a legitimate concern.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized for two unanimous consent requests.

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

MORNING BUSINESS

Mr. INHOFE. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the two Senators from Washington, Senators CANTWELL and MURRAY, be recognized now to speak for up to 30 minutes and that

I be recognized to speak for up to 30 minutes at the conclusion of their remarks.

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

The Senator from Washington.

AIRBUS

Ms. CANTWELL. Mr. President, I thank the Senator from Oklahoma for yielding to my colleague, Senator MURRAY, and me. We are going to speak about the resolution that the Senate passed, and passed with large support from my colleagues on both sides of the aisle, which we are very happy to see. The issue of a level playing field for a competitive aerospace market is something that is critically important to the American people and to the workforce of America. I thank our leaders, Senators FRIST and REID, and Senator BAUCUS for bringing this resolution to the Senate floor today and for moving this through the process so that we can send a message from the Senate about how important we think it is to have a competitive aerospace market.

My colleague has been following this issue for years and is going to lay out some of the issues that we in the United States have been trying to elevate to the point of awareness so we can establish a competitive marketplace. The bottom line is, negotiations that were begun in January of this year between the United States and the European Union to discuss how to battle the competitive aerospace market today that doesn't unfairly have government backing and subsidization of major aerospace manufacturers, those negotiations have broken down. Now we are at a point where the issues to be resolved, specifically launch aid and the financing of the production of a new A350 plane by the European Union, are something it is important to address quickly.

The reason I say that is because we know when you have the financial backing of a government juxtaposed to the financial backing of the private sector, in the United States, when Boeing builds a plane, it goes out and finances that with the backing of the capital markets, of Wall Street, of the private banking institutions, and they have to prove that plane is a success. They don't get any forgiveness on the loan. They don't get any special rate. They don't get any discounts if the plane is not a success. When they go to the capital markets, they have to prove the success of the marketplace.

I can tell you now that success is happening with the 787 plane, the newest product that Boeing launched a year ago and is out there in the marketplace selling today. But they are competing against a plane that is being or has the potential to be financed by the European Union. So if you think about the A350 getting launch aid, or potentially getting launch aid from the European Union, it doesn't matter whether the plane is a success. It doesn't matter how many planes are sold. They have a special arrangement so that in the backing of the financing of that plane, the European Union becomes the deep pocket.

What does that mean to consumers who are buying these planes and what does it mean to the workforce? It means simply this: The Americans have a disadvantage when selling Boeing planes around the globe because they have to meet the competitive markets of private financing while the Europeans—it doesn't matter whether their plane is a success—get the backing of the European Union. The whole global economy is based on a fair and competitive marketplace in which we are going to drive down costs to consumers—the airlines, in this particular case—and we are going to let the best airplane win in the marketplace because they have designed a product that the workforce, the consumers, the aviation industry wants to see.

We don't want government making those decisions. We want the private sector making the decisions. That is why I am so glad the administration has taken an aggressive approach on this issue and has pushed for the discussions that are now ending. The administration, through the USTR office in the White House, has said if the European Union continues to use new launch aid subsidies for the A350 plane, then, yes, we are going to go to the World Trade Organization and file a complaint. That is an appropriate action by this administration.

What would be better is if the Europeans would sit down at the table and come back to this discussion that should have been part of the 1992 discussion on how to have a competitive aerospace industry. But that didn't happen. So now in January of this year, the two sides, the European Union and the United States, sat down at a table and said they were going to negotiate in good faith. Part of that negotiation was to have the parties at the table make no new government support agreements during the time of the negotiations. Yet that is exactly what Airbus is now coming in to talk about—subsidies and launch aid for the A350.

It is important that this body send the message it sent today, that we are going to be behind the administration, behind USTR, behind the White House in making sure a fair and competitive aerospace market takes place, that we are not going to sit by and see one manufacturer make a great product that has basically taken off in the marketplace, getting sales, getting people to buy the plane because they built it the old-fashioned way. They had an idea. They had the right feature set. They had the right product. They had the right design and customers are buying that. Yet they may have to compete against somebody who has the deep financial backing of a government that doesn't care whether it is the right feature set or the right product.

So we in the United States care greatly about the competitiveness of this marketplace. We have lots of jobs in aerospace, and we certainly, in Washington State, have benefited from that and so have many of my other colleagues in the Senate because there are probably aerospace manufacturing jobs all over the country.

But the point is that we have to have a competitive marketplace, not just in aerospace but in other areas. The sooner we get back to the table and address the issue of how unfair launch aid is as a concept, the sooner we can get to a competitive marketplace. And the sooner we can get a fair and competitive marketplace, the sooner the consumers will win and the United States will continue to have a level playing field in which our workforce, which is producing a great product that is winning in the marketplace, will continue to win based on the success of their results and not be basically disadvantaged because of an unlevel playing field.

So I am glad to be here with my colleagues on both sides of the aisle to speak enthusiastically about the resolution we just passed. I hope it will be noticed by the European Union that we are united—Democrats and Republicans—in getting this issue addressed and that a competitive aerospace market that is driven by private investment backing is the best way to go for us, not just as a nation but for true global competition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington, Mrs. MURRAY, is recognized.

Mrs. MURRAY. Mr. President, I rise this evening, as well, to join my colleague in support of the fair aerospace competition resolution that passed this body 96 to 0.

Thousands of American aerospace workers have lost their jobs in the past decade. That trend is going to continue unless we take action.

This evening I especially thank leaders on both sides of the aisle—Senator FRIST and Senator REID—for their help and support of this measure. Senators GRASSLEY and BAUCUS of the Finance Committee have been of great help. And, as always, I am proud to serve with Senator MARIA CANTWELL, my colleague from Washington State and another strong advocate for America's aerospace workers.

Our country invented the aerospace industry 100 years ago. Through it, American workers have done more than feed their families and pay for mortgages; they have made air travel safer and brought economic growth and innovation to every corner of our economy.

Many in this body have heard me talk for years about Europe's efforts to distort the commercial aerospace industry. In short, Airbus has done everything it can to kill our aerospace industry. Airbus has received billions in illegal launch aid. Airbus has tried

to play tricks on this side of the ocean with their slick PR campaign. And Airbus will continue the unfair tactics until they completely dominate the global aerospace market.

While Airbus is doing all of these things to hurt American workers, it is actually trying to get us to think they are a friend to the very men and women they are putting out of work.

Unfortunately, EADS, Airbus, and European governments will do and say anything to dominate the global aerospace market. I am here today to call their bluff and show this body, once again, that Airbus is no friend of the United States or our workers and to ensure that their doubletalk is exposed for all to see.

I have worked closely with several U.S. Trade Representatives on this issue over the years. For the past several months, the United States has tried to negotiate with the Europeans, but it is very clear that the Europeans do not take our concerns seriously. Those discussions appear to have broken down, and the Europeans are threatening a radical escalation if we pursue our right to file a WTO case.

You would think after all Airbus has done to kill American jobs, they would at least make a good-faith effort now that we are finally calling them to account for their behavior. But the Airbus and European leaders have done just the opposite. They have pounded their chest about how their latest subsidized plane will dominate the industry.

Instead of coming clean—or at least stopping their trade-distorting behavior—Airbus has sought to influence public opinion. They have pursued a deceptive public relations campaign. They have taken out ads in the Capitol Hill publications and major newspapers around the country, just like the one behind me.

Airbus claims to be a good friend of American workers, but it is selling to America's sworn enemies. Airbus claims to support hundreds of thousands of American jobs, but they cannot document them. Airbus claims it wants to be a more American company, but then it turns and preaches European domination when they think we are not looking.

We need to stand up for this unfair competition and send a strong signal to the Europeans that this Congress and this country will not allow a European-subsidized company to destroy America's aerospace industry.

They can talk out of both sides of their mouth all they want, but I am here to lay the facts on the table and to stand up for our workers.

Mr. President, I applaud the Bush administration, and specifically Ambassador Robert Zoellick, for the work they are doing to end unfair trade practices in the aerospace industry. This administration entered into negotiations in good faith. They wanted to restore balance and fairness to the commercial aircraft trade.

Unfortunately, Europe has never taken these talks or this issue seriously. Our willingness to seek a negotiated settlement has been greeted by more arrogant entitlement from Airbus and its European backers. While publicly committing to negotiations, Airbus and European leaders have been working behind the scenes to continue subsidies to Airbus in spite of U.S. threats to file a WTO case.

Now European Commission Ambassador John Bruton is saying, '' . . . one result of a case would be that maximum aid would be given'' for Airbus's new A350.

Today, this campaign is more directly than ever in Congress's line of sight. I hope to clearly show Airbus is not an American company and Airbus is simply continuing its policy of saying and doing anything to get what it wants.

A week ago last Friday, European Union Trade Commissioner Peter Mandelson wrote an eye-popping piece in the Washington Post. He, once again, restated baseless accusations against Boeing in an effort to justify billions of dollars in illegal Airbus launch aid.

The issue Mandelson correctly identifies as central to American concerns is the massive subsidies in the form of launch aid, landing rights, and other giveaways that European governments give to Airbus. Now the Europeans would like you to think that we offer similar subsidies to Boeing, but the facts simply don't line up. I don't need to talk at great length about the subsidies tonight, but I think it is worthwhile to make you all understand what those subsidies actually do.

European governments give Airbus huge direct subsidies to build new airplanes. These subsidies take the form of launch aid, supplier subsidies, R&D subsidies, and facilities subsidies. These subsidies create an uneven playing field and allow Airbus to do what normal, private companies cannot afford to do. They develop new products without any risk.

One American company is playing by traditional business norms—borrowing money at commercial rates, being responsible to shareholders, and knowing if they don't make a profit, they are in trouble. That is why Boeing ''bets the company'' when they develop a new plane. Airbus enjoys virtually a risk-free product development, and it operates far outside of the bounds of fair competition. All of this comes at the expense of U.S. companies and American workers.

What does that mean in real terms? Let's take the new superjumbo Airbus A380 as an example. According to a January 20 article in the Financial Post, titled ''The Airbus 380,'' A380 subsidies are officially at $4.3 billion. Other estimates put it at over $6 billion.

The same day, the independent newspaper said:

> To break even on its own investment, Airbus needs to sell 250 of the A380. To repay the four governments it needs to shift to 700. To count as a real commercial success, Airbus needs to sell twice that number. So far, it has firm orders for 149.

It is no wonder that last summer respected industrial analyst Richard Aboulafia of the Teal Group called the plane a ''bloated airborne welfare queen.''

No other company in the world would be able to handle such huge cost overruns. But Airbus can because if the plane fails, they will simply write off the costs and move on to the next one.

To make matters worse, they have been making outlandish claims in this country for years. First, they claim Airbus has created and supports 120,000 jobs in this country. The Commerce Department can only document 500. Airbus says it subcontracts with as many as 800 firms in the United States, though they have moved that number up and down over the years. The Commerce Department can only come up with 250.

This last week, our Commerce Department released an exhaustive study done at the request of this Congress on the U.S. jet transport industry. That 150-page report once again comes to the same conclusion we have heard time and time again. Airbus is not an American company, and Airbus does almost nothing to support the hundreds of thousands of American workers who depend on this important industry.

Airbus and EADS are not helping America's aerospace industry; they are destroying it. In 15 years, 700,000 American workers have lost their jobs while Europe keeps adding new workers to the EADS and Airbus payroll. That is simply unacceptable.

Looking at their claims in American press alone, Airbus appears to be a pseudo-American company looking to create more jobs and helping to grow our economy. That is not the real story. Take a look at what Airbus proprietors say in Europe when they think we are not looking. A few months ago, with a lot of pomp and circumstance, the latest European Airbus product, the A380, was unveiled with four heads of state. Their comments show Europe's true intentions.

From the Spanish Prime Minister, Jose Luis Rodriquez Zapetero:

> The European Union has built the plane that is the standard bearer for European and global aeronautics.

He went on to boast:

> What we see here today is Europe cannot be stopped.

He is saying that Europe, not a company, cannot be stopped.

From the French President, Jacques Chirac:

> It is a technological feat and a great European success. When it takes to the skies, it will carry the colors of our continent, and our technological ambitions to even greater heights.

From the British Prime Minister, Tony Blair:

> It is European cooperation at its best. Airbus demonstrates that we can achieve more together in Europe than we ever can alone.

Finally, the German Chancellor, when asked about subsidies to Airbus, said:

We have done that in the past, we are doing it now, and we will do so in the future.

This does not sound like a company bent on doing anything for American workers, but, again, that is what Airbus and its supporters are saying and doing to get what they want.

Unfortunately, the examples only continue. I do not have to look any further than the NBC Nightly News to find another shocking attack on American values and workers. For years, Airbus told us they will do anything to get a deal, and apparently they will sell to anyone. Not long ago, NBC News uncovered direct evidence of Airbus efforts to sell military aircraft to a country focused on destabilizing and undermining American interests in the Middle East, a country that is currently in the pursuit of nuclear weapons, a country to which no real American company would dare sell weapons.

NBC News was able to get a camera crew into an airshow in Kish, Iran, and they found EADS pitching their military helicopters to Iran.

I ask unanimous consent that the full transcript of the NBC story be printed in the RECORD.

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

EUROPEAN FIRMS DISPLAY WARES IN IRAN

[By Lisa Myers & the NBC Investigative Unit]

KISH, IRAN.—As President Bush pressures European allies to get tougher with Iran, NBC News got a rare glimpse inside the country—at an Iranian air show attended by some of the world's leading military contractors eager to do business with America's adversary.

On the island of Kish, mullahs mixed with Ukrainian generals amid photos of the Ayatollah Khomeini. Iran's contempt for the United States was clear—emblazoned underneath a helicopter, in Farsi: ''Death to America.''

It's generally illegal for American companies to do business with Iran. But NBC News found more than a dozen European defense and aviation firms eager to fill the void. Some do business with the Pentagon, yet they were actively selling their wares to Iran.

''We sell to Iran [sic] Air Force,'' said Francois Leloup from Aerazur, a French company that markets fighter pilot vests, anti-gravity suits and other protective gear for military pilots.

''We sell mainly to security people like police,'' said Arnaud Chevalier with Auxiliaire Technique, which was representing a group of companies at its exhibition booth. Some of the brochures on dispay showed tank helmets, communication systems for light armored vehicles and an ''infantry headset.'' Chevalier said such equipment was ''not for sale.''

NBC News showed our video from the air show to arms expert John Pike, director of the nonprofit organization GlobalSecurity.org.

''I think that the Europeans would sell their grandmothers to the Iranians if they thought they could make a buck,'' says Pike.

Also exhibiting at the show—European Aeronautic Defence and Space Company (EADS) and its subsidiary Eurocopter—which has launched a campaign in the United States to get a bigger share of Pentagon contracts, featuring ads that wrap the company in the American flag.

But if the company is so pro-American, why is it ignoring U.S. policy to isolate Iran?

''As a European company, we're not supposed to take into account embargoes from the U.S.,'' says Michel Tripier, with EADS.

''The emphasis here is on our civil helicopters. We are not offering military helicopters here,'' he adds.

Yet, prominent on the company's video in Iran—a military helicopter.

''It says 'Navy' in their own promotional videotape,'' says John Pike. ''I guess they're hoping Iran's navy is going to want to buy it.''

EADS says the helicopter just happened to be on the video, and that it abides by U.S. and European rules against selling military goods to Iran.

Another company, Finmeccanica, recently won a contract to build a new version of the presidential helicopter, Marine One, as part of a group led by U.S. contractor Lockheed Martin.

It was also in Kish showing off its helicopters to Iran.

''This company is building the American president's new helicopter, and they're trying to trade with the enemy!'' exclaims Pike.

Steven Bryen used to be the Pentagon official responsible for preventing technology from going to countries like Iran. Now he's the president of Finmeccanica in the United States. Does he think Iran is an enemy of the United States? .

''I think they're our enemy at this point,'' says Bryen. ''I mean, they're behaving like our enemy.''

So why would Bryen's company trade with an enemy?

''In Europe, they don't call it the enemy,'' he says. ''If it's a civilian item that doesn't threaten anyone, then I don't have a problem with that.''

European subsidiaries of NBC's parent company, General Electric, have sold energy and power equipment to Iran, but GE recently announced it will make no new sales. (MSNBC is a Microsoft-NBC joint venture.)

Still, even with the president now pushing hard to isolate Tehran, European allies are likely to continue their role as what one company called, ''a reliable partner for Iran.''

Mrs. MURRAY. I will read just a bit from that piece:

Also exhibiting at the show, European Aeronautic Defence and Space Company, EADS, and its subsidiary Eurocopter, which has launched a campaign in the United States to get a bigger share of Pentagon contracts, featuring ads that wrap the company in American flag.

But if the company is so pro-American, why is it ignoring U.S. policy to isolate Iran.

As a European company, we are not supposed to take into account embargoes from the U.S., says Michael Tripler, with EADS.

Michael Tripler, from EADS, once again, saying and doing anything anywhere to advance the European interests of a European company. Airbus and EADS clearly sing one tune in newspapers in the United States, another at media events in France, and quite a different one while selling their products in Iran.

Taken together, the goal is clear: EADS and Airbus do not intend to stop until they have gobbled up the entire aerospace market.

So what is next for Airbus? Any question of their intentions was answered as we tried to work out an amicable solution to the dispute this past January. On a day that could have been a turning point in the process, Airbus CEO Noel Forgeard said he would seek new launch aid from European nations for the Airbus A350.

While in one breath Airbus says it does not need launch aid to build the A350, they have nevertheless applied for, and European governments are prepared to provide, $1.7 billion in new launch aid.

To once again paraphrase German Chancellor Schroeder: They have done that in the past, they are doing it now, and they will do so in the future.

But again, no need to take my word alone on the illegality of the launch aid or their central role in the ongoing dispute. The Financial Times, a European newspaper, called the plan to subsidize the A350 and Forgeard's announcement unwise and deeply unhelpful, and went on to say:

Launch aid, Airbus' unique subsidy, is an especially blatant violation of the principles of fair competition. The EU should let it go. State support for private companies, even those with long lead times and big development costs, becomes indefensible as they mature. Infant industries must grow up.

In a Business Week commentary from the same week, Stanley Holmes writes:

The U.S. should call the Europeans' bluff. Let the facts speak for themselves, and resolve this dispute at the WTO.

Months ago, I made the same suggestion, and although there appeared to be hope of avoiding that fate within the past few weeks, I now believe we must work through the WTO and hold our line.

With the Europeans bent on keeping their subsidies, it is time to take bold action to protect our workers and send a strong message to Europe that enough is enough. Europe has to understand that continued attempts to undermine our aerospace industry and its workers will not stand.

The need to restore a competitive balance to the aerospace industry is not going away. Thousands of American jobs have been lost in the last decade, and thousands more are at risk due to continued direct subsidies to Airbus.

I will continue to work closely with the USTR and with the Bush administration to protect American jobs and ensure the future strength of the American aerospace industry. Whether through the continuation of these negotiations or through a trade case at the WTO, a competitive balance has to be restored. We in Congress have to show the Europeans that we are serious about this action.

I thank my colleagues for supporting the resolution that was just adopted by the Senate 96 to 0. I will continue to be a voice for American workers. Again, I thank the Bush administration, Senator FRIST, and Senator REID for helping us with the resolution.

Mr. INHOFE. Will the Senator yield for a comment before yielding the floor?

Mrs. MURRAY. I would be happy to yield.

Mr. INHOFE. I have been listening intently, and I applaud the Senator for all she has done. It is reminiscent that this is not something new. Back when I was serving in the other body in the late 1980s, Congressman JIM OBERSTAR and I actually made a trip to Europe—that was before the European Union days—both to Germany and France to find out the level of subsidy they had. At that time, we were not able to find out, and we did an exhaustive search. They were denying that they did, and later on they admitted they were subsidizing. With their type of accounting, perhaps it is even worse than the figures the Senator is expressing today. So I applaud the Senator for her efforts.

Mrs. MURRAY. I thank the Senator, and I look forward to working with him to fight for our aerospace industry and to make sure companies in this country have a fair playing field.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

CHINA'S SPREADING GLOBAL INFLUENCE

Mr. INHOFE. Mr. President, I rise for a second time in 8 days to update all of us on an issue of deepest importance. In my recent speech on China I delivered this past Monday, I detailed how China is indeed a growing threat. When the fragmented pieces of current events and policies are glued together, they form an alarming picture of the threat to our national security. I believe this threat is of the most serious order, and until we address it I will continue to draw America's attention to it.

In 2000, Congress established the U.S.-China Security Economic Review Commission to act as the bipartisan authority on how our relationship with China affects our economy, industrial base, China's military and weapons proliferation, and our influence in Asia. I fear that the Commission's findings have largely been ignored.

A major part of our economic relationship with China is the growing trade deficit. This deficit grew to $162 billion in 2004, by far the largest economic imbalance the United States has with any country. One potential key factor contributing to this imbalance is the undervaluation of the Chinese yaun. Through currency manipulation, China has been able to create an uneven economic playing field in its favor. Let's keep in mind this bipartisan commission worked on this for several years. The Commission recommends that Congress pursue legislation that will push the administration toward correcting these imbalances and for the U.S. Trade Representative and Department of Commerce to undertake an investigation of China's questionable economic practices. I think this is very sound advice. In fact, I voted last Wednesday to not table a Chinese currency manipulation amendment.

China joined the World Trade Organization in December 2001. Their transition was to be overseen by the Transitional View Mechanism—TRM. Although China has made some progress in the areas of tariffs and other WTO commitments, they have consistently frustrated the TRM's ability to assess China's WTO compliance through lack of transparency. As the Commission recommends, the Bush administration must be encouraged to take action to preserve TRM's oversight and cooperate with other trading partners to create a cooperative effort to address China's shortfalls.

Another problem area is that the Chinese Government has been listing State Owned Enterprises—SOEs—on international capital markets. These companies lack accountability standards that normally track the companies' cash flow. At least one Chinese SOE, China North Industries Corporation, has been sanctioned by the U.S. Government for proliferating illegal weapons technology. As the 2004 Commission report outlines:

> Without adequate information about Chinese firms trading in international capital markets, U.S. investors may be unwittingly pouring money into black box firms lacking basic corporate governance structures, as well as enterprises involved in activities harmful to U.S. security interests.

Beyond dangerous investing, there are other security aspects to China's trade practices. The hard currency that China is gaining through its manipulative economy is buying foreign technology and modernizing their military. We used to be concerned about their nuclear capability, but now it is also conventional weaponry, as the Presiding Officer knows, since he sits on the Senate Armed Services Committee. We know China is pushing very hard to get the E.U. to remove their arms embargo. The embargo was put in place after the 1989 Tiananmen Square massacre to protest China's appalling human rights record. The E.U. claims that the embargo is no longer effective, but ignores the obvious—why lift the embargo without replacing it with a better one? Their solution, an informal ''code of conduct'', allows for no comprehensive enforcement. We can also expect E.U. technology to proliferate beyond China's borders, to countries that would gladly use it against the U.S. The E.U. does not consider this a strategic threat. In fact, President Chirac just demanded an early lifting of the embargo. However, the Commission reports:

> Access to more advanced systems and integrating technologies from Europe would have a much more dramatic impact on overall Chinese capabilities today than say five or ten years ago. For fourteen years China has been unable to acquire systems from the West. Analysts believe a resumption of EU arms sales to China would dramatically enhance China's military capability. If the EU arms embargo against China is lifted, the U.S. military could be placed in a situation where it is defending itself against arms sold to the PLA by NATO allies.

Think about this: we share military technology with our European allies and then find our security threatened and possibly our servicemen killed by this same technology. All this is made possible because China is exploiting economic grey areas to come up with the money to buy all this new technology. This is a critical issue to which Congress must respond to.

Further, some experts believe that China's economic policy is a purposeful attempt to undermine the U.S. industrial base and likewise, the defense industrial base. Perhaps it is hard to believe that China's economic manipulation is such a threat to our Nation. In response, I would like to read from the book Unrestricted Warfare, written by two PLA—People's Liberation Army—senior colonels:

> Military threats are already no longer the major factors affecting national security . . . traditional factors are increasingly becoming more intertwined with grabbing resources, contending for markets, controlling capital, trade sanctions and other economic factors . . . the destruction which they do in the areas attacked are absolutely not secondary to pure military wars.

The book goes on to argue that the aggressor must ''adjust its own financial strategy'' and ''use currency revaluation'' to weaken the economic base and the military strength of the other country. This is the Chinese saying this, not some American commentator. You need to hear that in context of the U.S.-China Commission's statement:

> One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

I think the picture is clear. We must link China's trading privileges to its economic practices. As China's No. 1 importing customer, accounting for 35 percent of total Chinese exports, we have the influence. As I said last Monday, a week ago, I agree that the way we handle an emerging China must be dynamic, but it must not be weak. The Commission puts it well:

> We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case. We also must recognize the impact of these trends directly on the domestic U.S. economy, and develop and adopt policies that ensure that our actions do not undermine our economic interests . . . the United States cannot lose sight of these important goals, and must configure its policies toward China to help make them materialize . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity.

The bipartisan U.S.-China Commission has been doing an outstanding job in translating how recent events affect

our national security. I plan on giving two more speeches highlighting the Commission's findings, followed by a resolution to effect their conclusions. I hope America is listening.

It is so similar to what we are facing right now and what we voted on, the fact that the European Union is subsidizing a company which would undermine the aerospace industry here in the United States. At the same time, if the European Union lifts the sanctions which they have right now, they would be doing essentially the same thing to our country.

I yield the floor.

VOTE EXPLANATION

Mr. CRAPO. Mr. President, on April 6, 2005, I was unable to cast a vote on amendment No. 286 to S. 600. This was due to an unavoidable medical procedure that requires me to commute daily to Baltimore. Had I been there, I would have voted ''nay.''

ANTIBIOTICS FOR HUMAN TREATMENT ACT OF 2005

Mr. KENNEDY. Mr. President, it is a privilege to join my distinguished colleagues, in proposing The Preservation of Antibiotics for Human Treatment Act of 2005. Our goal in this important initiative is to take needed action to preserve the effectiveness of antibiotics in treating diseases.

These drugs are truly a modem medical miracle. During World War II, the newly developed ''wonder drug'' penicillin revolutionized the care for our soldiers wounded in battle. Since then, they have become indispensable in modem medicine, protecting all of us from deadly infections. They are even more valuable today, safeguarding the nation from the threat of bioterrorism. Unfortunately, over the past years, we have done too little to prevent the emergence of antibiotic-resistant strains of bacteria and other germs, and many of our most powerful drugs are no longer effective.

Partly, the resistance is the result of the overprescribing of such drugs in routine medical care. But, mounting evidence also shows at the indiscriminate use of critical drugs in animal feed is also a major factor in the development of antibiotic resistant germs.

Obviously, if animals are sick, whether as pets or livestock, they should be treated with the best veterinary medications available. That is not a problem. The problem is the widespread practice of using antibiotics to promote growth and fatten healthy livestock. This nontherapeutic use clearly undermines the effectiveness of these important drugs because it leads to greater development of antibiotic-resistant bacteria that can make infections in humans difficult or impossible to treat.

In 1998—7 years ago—a report prepared at the request of the Department of Agriculture and the Food and Drug Administration, by the National Academy of Sciences, concluded ''there is a link between the use of antibiotics in food animals, the development of bacterial resistance to these drugs, and human disease.'' The World Health Organization has specifically recommended that antibiotics used to treat humans should not be used to promote animal growth, although they could still be used to treat sick animals.

In 2001, Federal interagency task force on antibiotic resistance concluded that ''drug-resistant pathogens are a growing menace to all people, regardless of age, gender, or socio-economic background. If we do not act to address the problem . . . [d]rug choices for the treatment of common infections will become increasingly limited and expensive-and, in some cases, nonexistent.''

The Union of Concerned Scientists estimates that 70 percent of all U.S. antibiotics are used nontherapeutically in animal agriculture—eight times more than in are used in all of human medicine. This indiscriminate use clearly reduces their potency.

Major medical associations have been increasingly concerned and taken strong stands against antibiotic use in animal agriculture. In June 2001, the American Medical Association adopted a resolution opposing nontherapeutic use of antibiotics in animals. Other professional medical organizations that have taken a similar stands include the American College of Preventive Medicine, the American Public Health Association, and the Council of State and Territorial Epidemiologists. The legislation we are offering has been strongly endorsed by the American Public Health Association and numerous other groups and independent experts in the field.

Ending this detrimental practice is feasible and cost-effective. In fact, most of the developed countries in the world, except for the United States and Canada, already restrict the use of antibiotics to promote growth in raising livestock. In 1999, the European Union banned such use and money saved on drugs has been invested in improving hygiene and animal husbandry practices. Researchers in Denmark found a dramatic decline in the number of drug-resistant organisms in animals—and no significant increase in animal diseases or in consumer prices.

These results have encouraged clinicians and researchers to call for a similar ban in the United States. The title of an editorial in the New England Journal of Medicine 4 years ago said it all: ''Antimicrobial Use in Animal Feed—Time to Stop.''

On Thursday, the American Academy of Pediatrics, the American Public Health Association, Environmental Defense, the Food Animal Concerns Trust, and the Union of Concerned Scientists joined together in filing a formal petition with FDA calling for the withdrawal of certain classes of drugs from animal feed.

Earlier last week, Acting FDA Commissioner Lester Crawford emphasized his own concern that the use of such drugs in food-producing animals has an adverse health impact on humans. He stated that the FDA agrees with the GAO recommendation to review approved animal drugs that are critical to human health, and described FDA's progress in doing so. He stated, however, that the review process is extremely slow and labor intensive, and that even when safety issues are identified, the FDA can do little more than hope that the animal pharmaceutical companies will cooperate in addressing the issue.

There is no question that the Nation stands at risk of an epidemic outbreak of food poisoning caused by drug-resistant bacteria or other germs. It is time to put public safety first and stop the abuse of drugs critical to human health.

The bill we propose will phase out the nontherapeutic use in livestock of medically important antibiotics, unless manufacturers can show such use is no danger to public health. The act requires applying this same strict standard to applications for approval of new animal antibiotics. Treatment is not restricted if the animals are sick or are pets or other animals not used for food. In addition, FDA is given the authority to restrict the use of important drugs in animals, if the risk to humans is in question.

According to the National Academy of Sciences, eliminating the use of antibiotics as feed additives in agriculture would cost each American consumer not more than five to ten dollars a year. The legislation recognizes, however, economic costs to farmers in making the transition to antibiotic-free practices may be substantial. In such cases, the Act provides for federal payments to defray the cost of shifting to antibiotic-free practices, with preference for family farms.

Antibiotics are among the greatest miracles of modern medicine, yet we are destroying them faster than the pharmaceutical industry can create replacements. If doctors lose these critical remedies, the most vulnerable among us will suffer the most—children, the elderly, persons with HIV/AIDS, who are most in danger of resistant infections. I urge my colleagues to support this clearly needed legislation to protect the health of all Americans from this reckless and unjustified use of antibiotics.

Ms. SNOWE. Mr. President, today we are facing a public health crisis which most of us certainly did not anticipate. Nearly a half century ago, following the development of modern antibiotics, Nobel Laureate Sir McFarland Burnet stated, ''One can think of the middle of the twentieth century as the end of one of the most important social revolutions in history, the virtual elimination of infectious diseases as a significant factor in social life.''

How things have changed. Today some of our most deadly health threats

come from infectious diseases. When we consider the greatest killers—HIV, tuberculosis, malaria—it is clear that infectious diseases have not abated. At the same time we have seen an alarming trend—increasingly physicians are stymied as existing antibiotics are becoming less effective in treating infections. We know that resistance to drugs can be developed, and that the more we expose bacteria to antibiotics, the more resistance we will see. So it is crucial that we preserve antibiotics for use in treating disease.

Most Americans appreciate this fact, and now understand that colds and flu are caused by viruses. So we know that treating a cold with an antibiotic is inappropriate, and we understand that such use of antibiotics is unwise. Over 9 out of 10 Americans now know that resistance to antibiotics is growing. Our health care providers are getting the message too. Physicians know that when a patient who has been inappropriately prescribed an antibiotic actually develops a bacterial infection, it is more likely to be resistant to treatment.

When we overuse antibiotics, we risk eliminating the very cures which scientists fought so hard to develop. The threat of bioterrorism amplifies the danger. I have supported increased NIH research funding, as well as Bioshield legislation, in order to promote development of essential drugs. Yet as we work hard to develop lifesaving medications, their misuse will render them ineffective.

Every day in America antibiotics continue to be used in huge quantities for no treatment purpose whatsoever. I am speaking of the non-therapeutic use of antibiotics in agriculture. Simply put, the practice of feeding antibiotics to healthy animals jeopardizes the effectiveness of these medicines in treating ill people and animals.

Recognizing the public health threat caused by antibiotic resistance, Congress in 2000 amended the Public Health Threats and Emergencies Act to curb antibiotic overuse in human medicine. Yet today it is estimated that 70 percent of the antimicrobials used in the United States are fed to farm animals for non-therapeutic purposes including growth promotion, poor management practices and crowded, unsanitary conditions.

In March 2003, the National Academies of Sciences stated that a decrease in antimicrobial use in human medicine alone will not solve the problem of drug resistance. Substantial efforts must be made to decrease inappropriate overuse of antibiotics in animals and agriculture.

Last week five major medical and environmental groups—the American Academy of Pediatrics, the American Public Health Association, Environmental Defense, the Food Animal Concerns Trust and the Union of Concerned Scientists—jointly filed a formal regulatory petition with the U.S. Food and Drug Administration urging the agency to withdraw approvals for seven classes of antibiotics which are used as agricultural feed additives. They pointed out what we have known for years—that antibiotics which are crucial to treating human disease should never be used except for their intended purpose—to treat disease.

In a study just reported in the New England Journal of Medicine, researchers at the Centers for Disease Control and Prevention found 17 percent of drug-resistant staph infections had no apparent links to health-care settings. Nearly one in five of these resistant infections arose in the community—not in the health care setting. While must do more to address inappropriate antibiotic use in medicine, and use in our environment cannot be ignored.

This is why I have joined with Senator KENNEDY to again introduce the ''Preservation of Antibiotics for Medical Treatment Act''. This bill phases out the non-therapeutic uses of critical medically important antibiotics in livestock and poultry production, unless their manufacturers can show that they pose no danger to public health. I am pleased that we have been joined in this effort by Senator COLLINS, Senator LANDRIEU, and Senator REED in introducing this measure.

Our legislation requires the Food and Drug Administration to withdraw the approval for nontherapeutic agricultural use of antibiotics in food-producing animals if the antibiotic is used for treating human disease, unless the application is proven harmless within two years. The same tough standard of safety will apply to new applications for approval of animal antibiotics.

This legislation places no unreasonable burden on producers. It does not restrict the use of antibiotics to treat sick animals, or for that matter to treat pets and other animals not used for food. The act authorizes Federal payments to small family farms to defray their costs, and it also establishes research and demonstration programs that reduce the use of antibiotics in raising food-producing animals. The act also requires data collection from manufacturers so that the types and amounts of antibiotics used in animals can be monitored.

As we are constantly reminded, the discovery and development of a new drug can require great time and expense. It is simply common sense that we preserve the use of the drugs which we already have, and use them appropriately. I call on my colleagues to support us in this effort.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Mr. President, yesterday marked the beginning of National Crime Victims' Rights Week. For a quarter of a century, we have set this week aside each year to renew our commitment to address the needs of victims and their families and to promote victims' rights.

This year's commemoration comes at a critical juncture in the history of the victims' rights movement. Much has been achieved in the past 25 years to provide victims with greater rights and assistance, but perhaps none so important as the passage of the Victims of Crime Act of 1984, VOCA, and its establishment of a dedicated source of funds to support victims' services. The Crime Victims Fund provides critical funding that helps millions of victims of all types of crime every year. The future of the fund is in doubt, however, and 25 years of progress may be at risk due to the administration's proposal to rescind all amounts remaining in the fund at the end of fiscal year 2006—an estimated $1.267 billion. That would dry up the fund, leaving it with a balance of zero going into fiscal year 2007 to support vital victim services.

Our new Attorney General, upon his confirmation, gave a speech to discuss his priorities for the Department of Justice. He stated, ''As we battle crime, we must also defend the rights of crime victims and assist them in their recovery.'' While I agree on the importance of this goal, rescinding the Crime Victims Fund is not the way to achieve it.

The Crime Victims Fund is the Nation's premier vehicle for the support of victims' services. Nearly 90 percent of the fund is used to award State crime victim compensation and victim assistance formula grants. VOCA-funded victim assistance programs serve nearly 4 million crime victims each year, including victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving, as well as survivors of homicide victims. VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The Crime Victims Fund also serves victims of Federal crimes. VOCA funding supports victim assistance services provided by U.S. Attorneys Offices and the FBI, as well as the Federal victim notification system. It is used for child abuse prevention and treatment grants, and it is also used to provide emergency relief to victims of terrorism and mass violence.

Since fiscal year 2000, Congress has set a cap on annual fund obligations expressly for the purpose of ensuring ''that a stable level of funding will remain available for these programs in future years.'' The ''rainy day'' fund created by this spending cap has been used to make up the difference between annual deposits and distributions three times during the past six years.

When Congress began considering caps on fund obligations, I proposed and Congress enacted an amendment to the Victims of Crime Act to clarify our intent to stabilize and preserve the fund for the benefit of victims. The amendment, now codified at section 10601(c) of title 42, requires that ''. . . all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the

Fund for obligation in future fiscal years, without fiscal year limitation.'' Thus, in both the authorization and the appropriations processes, Congress has clearly and emphatically stated its intent to maintain a stable source of federal support for essential victim services.

Over the past 4 years, the Bush administration and this Republican Congress have squandered record surpluses and racked up $7.6 trillion in Federal debt as a result of reckless spending and budget-busting tax cuts. Now the Bush administration proposes to reduce the deficit by siphoning off resources that we set aside to assist victims of crime. In this regard, it bears emphasis that the Crime Victims Fund does not receive appropriated funding; deposits come from Federal criminal fines, forfeited bail bonds, penalties, and special assessments, not from the pockets of American taxpayers.

Together with Senators BIDEN and SCHUMER, I wrote to President Bush on March 11, 2005, to urge him to reconsider and withdraw his proposal to rescind the Crime Victims Fund. We received no response to that letter.

On March 17, 2005, I offered and the Senate approved by voice vote a budget resolution amendment intended to head off the administration's plans to raid the Crime Victims Fund. I was joined by Senators KENNEDY, MIKULSKI, FEINGOLD, BIDEN, DURBIN, OBAMA and DODD, and I thank them again for their support. As amended, the budget resolution passed by the Senate rejects the proposed rescission by assuming that all amounts that have been and will be deposited into the Crime Victims Fund, including all amounts to be deposited in fiscal year 2006 and thereafter, will remain in the fund for use as authorized by the Victims of Crime Act.

In every State and every community across the country, the Crime Victims Fund plays an essential role in helping crime victims and their families meet critical expenses, recover from the horrific crimes they endured, and move forward with their lives. I ask unanimous consent to print in the RECORD a letter from a number of victims' organizations, representing the millions of Americans who become victims of crime every year. They wrote that rescinding the Crime Victims Fund at the end of fiscal year 2006 would create a ''disastrous'' situation for victim service providers and their clients.

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

NATIONAL CRIME VICTIM ORGANIZATIONS CONTACT GROUPS,
Washington, DC, March 12, 2005.

Hon. DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: We, the undersigned members of the National Crime Victim Organizations Contact Group, represent the millions of citizens that become victims of crime every year in our nation and the agencies that provide supportive services to them. The Crime Victims Fund provides crucial support to thousands of nonprofit organizations and public agencies who help millions of crime victims. We have joined together to urge all members of Congress to oppose the Administration's proposal to remove $1.2 billion from this essential and lifesaving fund.

The Fund was created under the Victims of Crime Act in 1984 as a ''separate account'' meaning that the revenues in the Fund are intended to be used solely for financial support of victim services, primarily through State crime victim compensation and State victim assistance formula grants. The Fund comes from the collection of Federal criminal fines, forfeitures and assessments; it does not depend on general taxpayer appropriations. Since the Fund's inception, Congress directed that all amounts deposited into the Fund would remain available to support victim services ''without fiscal year limitation.''

Over 4,400 victim service agencies in every state and every district depend upon VOCA funding for essential victim services, such as emergency shelters, counseling, legal advocacy, and assistance participating in the criminal justice system. In FY 2003, 3.8 million crime victims received VOCA-funded assistance, including victims of domestic violence, sexual assault, child abuse, elder abuse, survivors of homicide victims and drunk driving crashes. Hundreds of thousands of victims were provided financial assistance through VOCA grants to State crime victim compensation programs.

Initially, the money collected every year was released to states the following year. When collections grew to nearly $1 billion in fines in FY 1999, Congress placed a cap on the amount that was distributed each year. Congress began limiting annual Fund obligations expressly ''to ensure that a stable level of funding will remain available for these programs in future years'' (Conference Report 106–479).

Capping annual Fund obligations created a Fund balance—a ''rainy day'' fund consisting of amounts that otherwise would have been used by States to support immediate victim assistance needs. The Fund balance was used to make up the difference between annual deposits and Congressional caps three times over the past six years.

Having recently recognized the 20th anniversary of this successful and effective program, we were shocked to learn that the Administration now proposes rescinding the entire Fund at the end of FY 2006, including the amounts that Congress promised and, in fact, needed to protect against Fund fluctuations and to ensure the Fund's stability as well as deposits made during FY 2006. More stable long-term sources of funding are already required to maintain a sufficient amount in the Fund. Rescinding the Fund will zero out the Fund going into FY 2007 and unquestionably create a disastrous situation for victim service providers and their clients. The entire crime victims' field stands united in its opposition to the proposed rescission.

We ask Congress to reject the Administration's recommendation to rescind the Fund and to work with us to guarantee the Fund's future viability and support for victim services.

Sincerely,

David Beatty, Contact Group Coordinator, Justice Solutions, NPO.

Jeanette Adkins, National Organization for Victim Assistance.

Marybeth Carter, National Alliance to End Sexual Violence.

Nancy Chandler, National Children's Alliance.

Steve Derene, National Association of VOCA Assistance Administrators.

Dan Eddy, National Association of Crime Victim Compensation Boards.

Wendy Hamilton, Mothers Against Drunk Driving.

Mary Lou Leary, National Center for Victims of Crime.

Dan Levey, National Organization for Parents of Murdered Children.

Jill Morris, National Coalition Against Domestic Violence.

Diane Moyer, Pennsylvania Coalition Against Rape.

Lynn Rosenthal, National Network to End Domestic Violence.

Mr. LEAHY. Mr. President, National Crime Victims' Rights Week is upon us. I urge my colleagues to honor our longstanding commitment to crime victims by working together to preserve the Crime Victims Fund.

FREEDOM PARK

Mr. ALLARD. Mr. President, I bring to the Senate's attention the importance of Freedom Park in Edwards, CO, to commemorate the sacrifices of our Armed Forces and emergency services personnel.

Similar to many other memorials, an American flag stands waving at its center, reflecting in the clear blue waters of a mountain lake. Yet this monument differs from most in that it recognizes not only our Armed Forces but our emergency services. The liberties that we as citizens hold dear today have been protected both abroad and domestically, and this monument is a faithful reminder of all Americans who have dedicated their lives to serving freedom.

The concept of Freedom Park began with local veterans in Edwards, CO, but soon grew into a valley-wide, grassroots effort. Citizens from all walks of life have come together to accomplish this noble goal, including military veterans and their families, emergency service members, business professionals, local government officials, and countless others. The fruit of their labor will be recognized for generations to come in the name of commemorating American liberty.

From the Revolutionary War to the global war on terrorism, Freedom Park uniquely honors those who have given their lives in the line of duty throughout America's history. Clearly displayed at every entrance to the park, these words are posted: ''The greatest tribute we can give them is to become wiser through their legacy.'' This quote demonstrates the founders' goal, which is two-fold: to memorialize those who have served in the name of freedom and to teach future generations the meaning of the sacrifices that were made.

Freedom Park memorial appropriately holds the dedication of our men and women in the Armed Forces and emergency services in great esteem so that we may honor their dedication to our Nation and learn from their sacrifices.

FPI REFORM BILL

Mr. BURNS. Mr. President, today I voice my support for the Federal prison industries, FPI, reform bill.

This bill would level the playing field for small businesses and provide relief to all Federal agencies by amending the Office of Federal Procurement Policy Act to establish a Governmentwide policy requiring competition in certain executive agency procurements.

I understand the importance of keeping our Federal prisoners occupied, but not at the expense of our law abiding, American small businesses. As a Senator representing the great State of Montana, where small business dominates our economy, I have a vital interest in protecting business from unfair Government competition. Many times bids were requested from private firms that offered better pricing and more reasonable terms of delivery. I am for fair competition in the Government procurement process. Congress has a responsibility to ensure that no Government entity, such as FPI, has special status in the Government procurement process that forces Government agencies to buy from that entity. This contradicts one of the fundamental ideas in which this great Nation was founded upon, the ideal of competition. Accordingly, I provide my support to protect small business interests across Montana and America.

ADDITIONAL STATEMENTS

LIEUTENANT COLONEL JULIA COOK

• Mr. ALLARD. Mr. President, I would like to bring to the Senate's attention the retirement of a Colorado native from the U.S. Army, LTC Julia Cook.

Lieutenant Colonel Cook has distinguished herself with exceptionally meritorious conduct while serving in key positions of ever increasing responsibility as an Army quartermaster and human resources officer, culminating her career as a legislative liaison for Secretary of the Army, Office of the Chief Legislative Liaison. During her years of superlative service, Lieutenant Colonel Cook consistently demonstrated exceptional leadership, resourcefulness and professionalism while making lasting contributions to Army soldiers and families, readiness and mission accomplishment. Lieutenant Colonel Cook's 20 years of dedicated and faithful service enhanced the soldiers and the units to which she was assigned and reflects the greatest credit upon herself and the U.S. Army.

Lieutenant Colonel Cook was commissioned a second lieutenant through the ROTC program, Quartermaster Corps, after graduating from the University of Colorado in December 1984. Her first assignment, following the quartermaster officer basic course, was to Ft. Leonard Wood, MO, from 1985 to 1986, serving as XO for an AIT company that trained 63Bs and 64Cs and as an assistant brigade S4. She volunteered to serve in Korea from 1986 to 1988, distinguishing herself as tech supply platoon leader in 595th Maintenance Company, K–16 Air Base and as battalion S1, 227th Maintenance Battalion, Youngman. Following her tour in Korea, she completed the quartermaster officer advance course and was assigned to Ft. Carson, CO, from 1988 to 1993. Again she served superbly in a variety of positions, as the 4th ID DISCOM support operations officer; the S2/3, 704th Main Support Battalion; as commander, Company C, 704th Main Support Battalion; and as the division equal opportunity officer. She also deployed on a 6-month rotation to JTF–B, Honduras, serving as the logistics plans officer. From 1993 to 1997 she performed her duties as a soldier assigned to Headquarters, U.S. Army Materiel Command, AMC. She served in a variety of positions including, logistics operations officer in the Emergency Operations Center, staff action control officer for the Secretary of the General Staff, executive officer for the Chief of Staff, special project officer to Project Manager Soldier, and team executive officer for the Secretary of the Army's Senior Review Panel on Sexual Harassment after the Aberdeen Proving Ground Sexual Harassment scandal.

After graduation from the Command and General Staff College, she was assigned to the 21st Theater Support Command, Kaiserslautern, Germany, from 1998 to 2001. While overseas, she served as chief, Distribution Management Center, where she developed supply distribution initiatives for a command supporting over 65,000 soldiers in European-based units. Lieutenant Colonel Cook's work enabled the Command to reduce shipping costs through the air challenge process by $2 million for the first two quarters of fiscal year 1999. She served as executive officer of the 191st Ordnance Battalion, Miesau, Germany, and was responsible for internal operations of a 600-soldier battalion consisting of a headquarters and headquarters company, an ammunition company, a quartermaster rigging detachment, and two explosive ordnance disposal companies, all while exercising oversight of a $2 million annual budget. Lieutenant Colonel Cook finished her career serving with the Army's office of the Chief of Legislative Liaison from August 2001 to May 2005 where she was the staff action officer and legislative assistant to the Undersecretary of the Army and the Sergeant Major of the Army. She prepared the Undersecretary and Sergeant Major for all interactions with Congress including hearings, office calls, and phone calls. Finally, she served in the program division as the Army legislative liaison between the U.S. Congress and the Army staff for all issues related to logistics.

Through these assignments, Lieutenant Colonel Cook has provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and Congress. Her actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. Lieutenant Colonel Cook's dedication to accomplishing the Army's legislative liaison mission has been extraordinary. She is truly an outstanding officer who displays superb professional leadership skills and is totally dedicated to mission accomplishment in the highest traditions of military service, and I thank her for her service to this great Nation.•

RETIREMENT OF BILLY ROSS BROWN

• Mr. COCHRAN. Mr. President, my friend, Billy Ross Brown, has retired from the First South Farm Credit, ACA Board of Directors where he served faithfully for many years.

Billy Ross became a director on the Oxford, MS, PCA Board in 1968 and he served as chairman of the board from 1975 to 1985. He was then elected to serve on the First South Farm Credit Board and served from 1985 to 1990.

He left the First South Board after being recommended by me and appointed by President George H.W. Bush to serve on the Board of the Farm Credit Administration and the Farm Credit System Insurance Corporation in Washington, DC. During this time he served as the first chairman of the Farm Credit System Insurance Corporation where he nurtured it through its startup as a Federal agency and directed it as it began to capitalize the Farm Credit System insurance fund. He was subsequently appointed chairman and CEO of the Farm Credit Administration where he served with distinction until October 1974.

While at the FCA, he undertook the first critical internal review of the agency, which provided him with useful insights and perspectives as he guided the agency through a difficult period of adjustment, following the system's financial stress in the mid-1980s. At his recommendation and under his direction, FCA undertook its first efforts at relieving regulatory burdens. He authored the agency's first statement on regulatory philosophy which reflected his commitment to cost-effective regulation and risk-based examination and supervision. It was his belief that any cost savings or efficiencies derived by the cooperatively owned Farm Credit Institutions would ultimately benefit the system's farmer borrowers and thereby benefit all agricultural producers.

After Billy Ross moved back to Oxford from Washington, the First South Farm Credit nominating committee nominated Billy Ross to run again for the First South Farm Credit Board. Billy Ross served again on the First South Board from June 1999 until his mandatory retirement in March 2005.

Billy Ross has served the Farm Credit System and U.S. agricultural interests for over 36 years. Combined with

his father's service to the Farm Credit and the local PCA, the immediate Brown family has over 55 years of service to American agriculture.

No person has served First South Farm Credit, ACA, the Farm Credit Administration, and the Farm Credit System Insurance Corporation with more loyalty, dignity, and honor than Billy Ross Brown.

Over the years, I have observed Billy Ross' dedicated service to his family, his community and his country. He is a true gentleman with a great heart and love for all mankind.

While I wish him well in his retirement, I suspect he will continue to be involved in the ongoing success of Mississippi agricultural interests and I hope he will still find time to fish with his friends, but only if the weather is good.●

CONGRATULATIONS TO BERNICE DICKERSON

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Bernice Dickerson of Adairville, KY, for her service on the Adairville City Council.

At age 91, Mrs. Dickerson has dedicated herself to improving the community of Adairville. As a councilwoman for Adairville, Mrs. Dickerson has made a difference in people's lives and has served as an example for all who know her.

The citizens of Kentucky are fortunate to have the leadership of Bernice Dickerson. Her example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth. She has my most sincere appreciation for her work and I look forward to her continued service to Kentucky.●

INSTITUTE OF THE MISSIONARY SISTERS OF THE SACRED HEART OF JESUS

● Mrs. CLINTON. Mr. President, it is with great pride that I commemorate the 125th anniversary of the founding of the Missionary Sisters of the Sacred Heart of Jesus whose assistance to New York's Italian community in the late 19th century is a model for immigrant outreach. The efforts of the Missionary Sisters of the Sacred Heart of Jesus initiated by the first American citizen saint, Frances Cabrini, led the Vatican to name her Patroness of Immigrants.

From the missionary sisters' first New York initiative, a home for destitute Italian orphans that opened in 1889, to the vibrant network of schools, hospitals and social service agencies serving immigrants in New Jersey, Pennsylvania, Louisiana, Illinois, Colorado, Washington State and California, as well as New York, the missionary sisters brought solace to immigrants in both urban and rural areas, visiting them in homes, public hospitals, prisons and mines. Today this enduring mission flourishes in 16 nations on six continents where the Cabrinian religious institute eases misery, works for justice, and educates new generations. The institute's compassionate work cares for AIDS orphans in Swaziland and street children in the Philippines, provides health and child care and educates young people in Australia, Central and South America and the United States.

Frances Cabrini's legacy can be seen in 21st century New York State in Dobbs Ferry at the St. Cabrini Nursing Home and the Cabrini Elder Care Consortium. Dobbs Ferry is also home to the Monsignor Terence Attridge Adult Day Health Center and Cabrini Immigrant Services. New York City is fortunate to have the Cabrini Center for Nursing and Rehabilitation, Cabrini Care at Home, Cabrini Immigrant Services, Cabrini Hospital, Sister Josephine Tsuei Senior Day Services, Cabrini High School, the Cabrini Shrine and the Cabrini Housing Development Fund's apartments for the elderly.

This year the St. Cabrini Nursing Home honors two individuals who exemplify the dedication and service of the Cabrinian values—Donna McNamara whose efforts were crucial to the creation of Cabrini Immigrant Services and Cabrini Care at Home; and James A. Smith, longtime board member who has given leadership to the Cabrini Elder Care Consortium. I am thankful for the efforts of Ms. McNamara and Mr. Smith and for the 125 years of compassion and care that are hallmarks of the life of Frances Cabrini and those who continue to serve the ideals to which she dedicated her life.●

NCAA DIVISION III MEN'S BASKETBALL CHAMPION

● Mr. FEINGOLD. Mr. President, it is with great pleasure that I congratulate the University of Wisconsin-Stevens Point men's basketball team for their second straight NCAA Division III national championship. The Pointers capped off a dominating run through the tournament with their victory over Rochester University in the championship game. With the victory, the Pointers become just the third team in NCAA Division III history to win back to back titles. The championship game was also a milestone for Head Coach Jack Bennett, who earned his 200th career victory with the win and has since been selected as the Basketball Times Coach of the Year.

The Pointers posted a terrific 29–3 record this season, winning many of their games by wide margins and tying the school record for wins in a season set last year. The Pointers had the stingiest defense in the Wisconsin Intercollegiate Athletic Conference this season, allowing just over 56 points a game. They also outscored their opponents by an overwhelming average of 17 points per game. Stevens Point led their conference in many statistical categories, including three-point and overall shooting percentage and assists. Their tough play throughout the season earned them a share of the conference championship. The Pointers also won their second straight WIAC Tournament title.

A talented roster of student-athletes, led by All-American Nick Bennett and Division III Men's Basketball Player of the Year Jason Kalsow, played unselfishly and always with passion. Members of the University of Wisconsin-Stevens Point men's basketball team that fought hard for the championship include senior Tamaris Relerford from Beloit, WI; freshman Shawn Lee from Marshfield, WI; sophomore Brett Hirsch from Menomonee Falls, WI; freshman Brad Kalsow from Huntley, IL; freshman Steve Hicklin from Sussex, WI; senior Kyle Grusczynski from Seymour, WI; sophomore Cory Krautkramer from Cameron, WI; sophomore Jon Krull from Marshall, WI; junior Matt Bouche from Dane, WI; junior Brian Bauer from Auburndale, WI; junior Mike Prey from Shawano, WI; senior Eric Maus from Green Bay, WI; freshman Gbena Awe from Milwaukee, WI; freshman Tyler Doyle from Appleton, WI; freshman Matt Atkinson from Suamico, WI; senior John Gleich from Wheaton, IL; and freshman Zach Leahy from Hartland, WI. Many of these champions are volunteers in the community at basketball camps and with Big Brothers and Big Sisters. They are also students dedicated to academics as well as to basketball.

The team's competitive spirit is an inspiration to youngsters in Wisconsin. When March Madness is in the air, Division III may not always be in the spotlight. But the Pointers' second straight national championship is a trophy all Wisconsinites are proud of. Their victory is a substantial part of the incredible postseason for Wisconsin college basketball teams.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Intelligence.

(The nomination received today is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1545. A communication from the Administrator and Chief Executive Officer,

Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, a report on the Federal Columbia River Power System's financial statements and audit reports; to the Committee on Energy and Natural Resources.

EC–1546. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Abandoned Mine Land Reclamation Plan'' (OK–031–FOR) received on April 4, 2005; to the Committee on Energy and Natural Resources.

EC–1547. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program'' (WY–032–FOR) received on April 4, 2005; to the Committee on Energy and Natural Resources.

EC–1548. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Riverside Fairy Shrimp (Streptocephalus woottoni)'' (RIN1018–AT42) received on April 4, 2005; to the Committee on Energy and Natural Resources.

EC–1549. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arroyo Toad (Bufo californicus)'' (RIN1018–AT42) received on April 4, 2005; to the Committee on Energy and Natural Resources.

EC–1550. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's biennial report on the administration of the Montgomery GI Bill (MGIB) educational assistance program; to the Committee on Veterans' Affairs.

EC–1551. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the report of a correction to page 13 of the Office's previously submitted report relative to the evaluation of the financial disclosure process for employees of the executive branch; to the Committee on Homeland Security and Governmental Affairs.

EC–1552. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of the Navy, Case number 04–04; to the Committee on Appropriations.

EC–1553. A communication from the Comptroller General, Government Accountability Office, transmitting, pursuant to law, a report concerning Government Accountability Office (GAO) employees who were assigned to congressional committees during fiscal year 2004 and a report on the cost and staff days of GAO work for fiscal years 2001 to 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1554. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's Annual Report on Category Rating for the year 2004; to the Committee on Finance.

EC–1555. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report containing the initial estimate of the Secretary's recommendation for the applicable percentage increase in Medicare's hospital inpatient prospective payment system (IPPS) rates for Federal fiscal year (FY) 2006; to the Committee on Finance.

EC–1556. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program'' (RIN0938–AN55) received on April 7, 2005; to the Committee on Finance.

EC–1557. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner of Education Statistics, received on April 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1558. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner, Rehabilitation Services Commission, received on April 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1559. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner, Rehabilitation Services Commission, received on April 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1560. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on April 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1561. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on April 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1562. A communication from the Director, Office of White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received on April 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1563. A communication from the Director of Public Affairs, American Battle Monuments Commission, transmitting, pursuant to law, a report of the Commission's administration of the Freedom of Information Act for Fiscal Year 2004; to the Committee on the Judiciary.

EC–1564. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report of the Department's fiscal year 2004 inventory of inherently government and commercial activities; to the Committee on the Judiciary.

EC–1565. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the details of the Office's 2005 Compensation Plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–1566. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled ''Corporate Governance; Final Amendments'' (RIN2550–AA24) received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1567. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR part 560: Iranian Transactions Regulations'' received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1568. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 70 FR 9540 02.28.05'' (44 CFR 67) received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1569. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 70 FR 6364 02.27.05'' ((44 CFR 64)(Doc. No. FEMA–7865)) received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1570. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 70 FR 8534 02.22.05'' ((44 CFR 64)(Doc. No. FEMA–7867)) received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1571. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 70 FR 9539 02.28.05'' (44 CFR Part 65) received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1572. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 70 FR 9536 02.28.05'' ((44 CFR 65)(FEMA–D–7567)) received on April 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1573. A communication from the Assistant Secretary of Defense, Reserve Affairs, Department of Defense, transmitting, pursuant to law, the National Guard ChalleNGe Program Annual Report for Fiscal Year 2004; to the Committee on Armed Services.

EC–1574. A communication from the Acting Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, two reports entitled ''Department of Defense (DOD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress'' and ''Department of Defense (DOD) Chemical and Biological Defense Program (CBDP) Performance Plan for Fiscal Years 2004–2006''; to the Committee on Armed Services.

EC–1575. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to chemical agent destruction operations at the Newport Chemical Agent Disposal Facility in Newport, Indiana; to the Committee on Armed Services.

EC–1576. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the quarterly report entitled ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–1577. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled ''Distribution of DoD Depot Maintenance Workloads''; to the Committee on Armed Services.

EC–1578. A communication from the General Counsel, Department of Defense, transmitting, a report of proposed legislation entitled '' National Defense Authorization Bill

for Fiscal Year 2006''; to the Committee on Armed Services.

EC–1579. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Major Systems Acquisition'' (DFARS Case 2003–D030) received on April 7, 2005; to the Committee on Armed Services.

EC–1580. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Army (Civil Works), received on April 7, 2005; to the Committee on Armed Services.

EC–1581. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Army (Civil Works), received on April 7, 2005; to the Committee on Armed Services.

EC–1582. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Under Secretary of Defense (Acquisition and Technology), received on April 7, 2005; to the Committee on Armed Services.

EC–1583. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Director, Operational Test and Evaluation, received on April 7, 2005; to the Committee on Armed Services.

EC–1584. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of the Air Force, received on April 7, 2005; to the Committee on Armed Services.

EC–1585. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Under Secretary of Defense (Logistics and Materiel Readiness), received on April 7, 2005; to the Committee on Armed Services.

EC–1586. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of the Army, received on April 7, 2005; to the Committee on Armed Services.

EC–1587. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense (Legislative Affairs), received on April 7, 2005; to the Committee on Armed Services.

EC–1588. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense (International Security Policy), received on April 7, 2005; to the Committee on Armed Services.

EC–1589. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of Defense (International Security Policy), received on April 7, 2005; to the Committee on Armed Services.

EC–1590. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Defense (Acquisition and Technology), received on April 7, 2005; to the Committee on Armed Services.

EC–1591. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Air Force (Acquisition), received on April 7, 2005; to the Committee on Armed Services.

EC–1592. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Navy (Installations and Environment), received on April 7, 2005; to the Committee on Armed Services.

EC–1593. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Navy (Installations and Environment), received on April 7, 2005; to the Committee on Armed Services.

EC–1594. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Navy (Installations and Environment), received on April 7, 2005; to the Committee on Armed Services.

EC–1595. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Army (Manpower and Reserve Affairs), received on April 7, 2005; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 743. A bill for the relief of Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 744. A bill to establish a Caribbean Basin Port Assistance Program; to the Committee on Foreign Relations.

By Mr. BYRD (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. BINGAMAN):

S. 745. A bill to amend the Global Environmental Protection Assistance Act of 1989 to promote international clean energy development, to open and expand clean energy markets abroad, to engage developing nations in the advancement of sustainable energy use and climate change actions, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN:

S. 746. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mr. KERRY, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 747. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Finance.

By Mr. GREGG (for himself and Mr. SUNUNU):

S. 748. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. THOMAS, Mr. GRASSLEY, and Ms. STABENOW):

S. 749. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KYL:

S. 750. A bill to amend the Internal Revenue Code of 1986 to allow look-through treatment of payments between related foreign corporations; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 751. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information; to the Committee on the Judiciary.

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

S. 752. 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.

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

S. 753. A bill to provide for modernization and improvement of the Corps of Engineers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. SMITH, and Mr. DURBIN):

S. 754. A bill to ensure that the Federal student loans are delivered as efficiently as possible, so that there is more grant aid for students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 755. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to women needing such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SHELBY, and Mr. HATCH):

S. 756. A bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself, Mr. REID, Mr. TALENT, Mrs. CLINTON, and Mr. HATCH):

S. 757. A bill to amend the Public Health Service Act to authorize the Director of the

National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

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

S. 758. A bill to amend the Internal Revenue Code of 1986 to ensure that the federal excise tax on communication services does not apply to internet access service; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. DURBIN, and Mr. SMITH):

S. 759. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. DEWINE, and Mr. CONRAD):

S. 760. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLEN (for himself and Mr. WARNER):

S. Res. 102. A resolution commending the Virginia Union University Panthers men's basketball team for winning the 2005 National Collegiate Athletic Association Division II National Basketball Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 103. A resolution commending the Lady Bears of Baylor University for winning the 2005 National Collegiate Athletic Association Division I Women's Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. BURNS), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 50

At the request of Mr. INOUYE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 103

At the request of Mr. TALENT, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 233

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 233, a bill to increase the supply of quality child care.

S. 241

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 285

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 338

At the request of Mr. SMITH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 352

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 352, a bill to revise certain requirements for H–2B employers and require submission of information regarding H–2B non-immigrants, and for other purposes.

S. 370

At the request of Mr. LOTT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 409

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 409, a bill to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes.

S. 420

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 424

At the request of Mr. BOND, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 484

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax

basis and to allow a deduction for TRICARE supplemental premiums.

S. 485

At the request of Mr. CRAIG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 485, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 489

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 493

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 493, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 495

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

At the request of Mr. CORZINE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 495, supra.

S. 503

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 515

At the request of Mr. BYRD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

S. 530

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 530, a bill to amend section 691 of title 10, United States Code, to increase the end strengths of the Army and the Marine Corps for fiscal years after fiscal year 2005, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 569

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 569, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 577

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 656

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 659

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 659, a bill to amend title 18, United States Code, to prohibit human chimeras.

S. 662

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 662, a bill to reform the postal laws of the United States.

S. 688

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 688, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances.

S. 702

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 702, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 737

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 737, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. CON. RES. 11

At the request of Mr. SESSIONS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mrs. DOLE), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. Con. Res. 11, a concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force.

S. CON. RES. 25

At the request of Mr. DEMINT, his name was added as a cosponsor of S. Con. Res. 25, a concurrent resolution expressing the sense of Congress regarding the application of Airbus for launch aid.

At the request of Mr. BROWNBACK, his name and the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Con. Res. 25, supra.

At the request of Mr. ISAKSON, his name was added as a cosponsor of S. Con. Res. 25, supra.

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. Con. Res. 25, supra.

At the request of Mr. FRIST, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Wyoming (Mr. THOMAS), the Senator from Oregon (Mr. SMITH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. CONRAD) and the Senator from Wisconsin (Mr.

KOHL) were added as cosponsors of S. Con. Res. 25, supra.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as ''National Health Center Week'' in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

AMENDMENT NO. 316

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 316 intended to be proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 743. A bill for the relief of Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan; to the Committee on the Judiciary.

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

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

S. 743

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

SECTION 1. PERMANENT RESIDENT STATUS FOR NABIL RAJA DANDAN, KETTY DANDAN, SOUZI DANDAN, RAJA NABIL DANDAN, AND SANDRA DANDAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan enter the United States before the filing deadline specified in subsection (c), Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan shall each be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nabil Raja Dandan, Ketty Dandan, Souzi Dandan, Raja Nabil Dandan, and Sandra Dandan, the Secretary of State shall instruct the proper officer to reduce by 5, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

By Mr. BYRD (for himself, Mr. JEFFORDS, Mr. KERRY, and Mr. BINGAMAN):

S. 745. A bill to amend the Global Environmental Protection Assistance Act of 1989 to promote international clean energy development, to open and expand clean energy markets abroad, to engage developing nations in the advancement of sustainable energy use and climate change actions, and for other purposes; to the Committee on Foreign Relations.

Mr. BYRD. Mr. President, today I am introducing the International Clean Energy Deployment and Global Energy Markets Investment Act of 2005. This is a forward-thinking, made-in-America action plan that can serve as a building block that puts the right structure and mechanisms in place, mobilizes the necessary resources, and helps define the course we will have to take in order to better design the global energy system that will be built in coming decades. But let me also state up front what this legislation does not do. It is not intended to be a substitute for the need to seek globally binding climate change agreements that would include commitments from the largest industrial and developing country emitters of greenhouse gases. However, my legislation can serve as a meaningful first step to seriously engage developing countries in tackling the critical link between our mutual energy and climate change challenges. Additionally, such engagement can be a new cornerstone for the U.S. to demonstrate that we are committed to working with other nations on a broad range of international issues.

We must start by honestly addressing several bottom line issues. We know that the world's population will likely grow by about 50 percent during this century, and those people, most of whom will live in developing nations, will be seeking the necessary resources to live. These nations will be growing rapidly and their requirements for energy will follow suit for the foreseeable future. But at the same time, we know that growth needs to be undertaken in as clean and efficient a manner as possible. When economies heat up so does energy use, greenhouse gas emissions, and that global change. How can any nation's economy continue to grow and provide good jobs in a way that does not undermine its environment and vice versa? How do we find ways to address these problems of mutual concern for our citizens and for their children and grandchildren? These issues matter as much in the United States as they do in places in China, India, Brazil, and Mexico.

This legislation's journey began several years when I included, in the fiscal year 2001 Energy and Water Appropriations bill, language that called for a clean energy exports and market development strategic plan. The Bush administration sent that report to Congress in October 2002. Since that time, I have been urging, cajoling, and pushing Federal agencies like the Department of State, Department of Energy, Department of Commerce, and the U.S. Agency for International Development to cooperate more and increase public/private efforts to help export U.S. clean energy technologies and open more of these markets abroad. It is now time to take the next step and introduce this legislation in order to expand upon that foundation.

By taking this next step, I am suggesting that we must work together to develop a broad-based action plan that builds on American ingenuity, encourages the export of made-in-America clean energy technologies, helps advance developing country climate change engagement, increases international sustainable development, and strengthens interagency and public/private cooperation. The objectives of this legislation further include efforts to increase access to clean and reliable energy services, reduce greenhouse gas emissions, increase energy security, and integrate these goals in a manner that is consistent with U.S. foreign policy interests around the world. Finally, my legislation essentially codifies and enhances the administrative structure that has already been put in place.

On a related but separate note, I am very aware that on February 16, 2005, the Kyoto Protocol came into force. As the primary author of Senate Resolution 98, which passed unanimously in 1997, I worked to establish core principles which should be part of any future binding, international climate change agreement. Those principles were that a treaty should be cost effective and should include the participation of developing nations, especially the largest emitters. The Kyoto Protocol does not meet those principles for the United States.

There have been widely varying interpretations of that resolution, especially by the Bush administration. The Byrd-Hagel resolution was intended to guide our Nation's role in international negotiations, not kill that effort. It was meant to strengthen the hand of

any administration as it sat at the international negotiating table, but this White House has used the Senate's vote as an excuse to totally abandon the negotiations and offer, instead, only hollow alternatives. Yet, it is the height of hypocrisy for the Bush administration to claim that it is defending that resolution's principles when, as a matter of fact, it has disregarded its very purpose.

That Senate resolution directed that any climate change treaty include commitments for the developing world, like China and India, which will surpass the U.S. in greenhouse gas emissions by 2025. These commitments could lead to real reductions. An international treaty with binding commitments also could allow for developing countries' continued economic growth with relatively modest requirements at first, pacing upwards, with ultimate goals to be achieved over time.

Moreover, given their expected economic growth and energy demands, developing nations are a primary market for clean energy technologies. But, this multi-billion dollar window of opportunity could close for the United States. With little pressure on developing countries to reduce or contain their emissions growth, these potentially enormous markets for clean energy technologies, made in the U.S., could slip away. Thus, my legislation can serve as a commonsense foot-in-the-door to help jump start efforts to seek fair and effective globally binding agreements in the future.

Despite this, the President has clearly stated that the U.S. would only pursue voluntary measures both domestically and internationally, and he continues to follow that path despite the fact that no major environmental problem has ever been solved by a purely voluntary basis. Since retreating from the international forum, his own climate change program is a strong testament to prove that voluntary actions are not likely to result in any serious decrease in overall emissions. While global climate change is long-term problem, it does not mean that we can put off action indefinitely. If we wait for decades to take more significant actions, then more radical measures will likely be necessary.

Additionally, I have long said that the U.S. needs a comprehensive, national energy strategy that has bipartisan support. A serious energy efficiency program, bolstered by the promotion of renewable energy and other clean home-grown energy sources, provides a compass point for a U.S. energy strategy. At its core, we must rely on our nation's domestic energy assets, especially coal. Coal must become a primary fuel source for new energy demands into the 21st century. However, to do so requires that we think differently about coal.

It is a myth to say that the U.S. or other major nations like China and India will stop burning coal any time soon. Yet, we must begin to treat this plentiful resource like black gold and use it in a much cleaner and more efficient way. We must accelerate the deployment of commercial-scale technologies that move us away from simply burning coal toward the enhanced ability to transform coal into a variety of energy products. We can begin to meet this challenge by demonstrating and deploying advanced power generation, especially coal gasification and carbon sequestration technologies, as well as by producing synthetic fuels and, eventually, hydrogen for use in other sectors of the economy. This broad approach also requires sending strong and clear regulatory and market signals which can significantly reconcile numerous environmental and climate change concerns, stimulate technology deployment, and set the stage for coal into the future.

The path that I am proposing here today goes far beyond the energy proposals that this White House has offered. Pursuing this course will take steadfast leadership, hard work, and American ingenuity to move forward in a responsible, balanced, and intelligent way. It is time for industry, labor, academic, environmental, and community interests to work with policymakers to find common ground. Commonsense market-based and regulatory approaches, emerging technology platforms, and new policy perspectives can bring these divergent groups together.

I believe it is time to send the message that there will likely be a binding carbon management regime in place for the U.S. at some point in the future. It may not be in place tomorrow or the next day or even in the next 2 to 4 years. It may also be a modest approach initially, but it is on the horizon. We certainly cannot run until we have walked, and we cannot walk until we have taken a step. But we can no longer stand still forever. By acting boldly, we can champion a new energy and environmental legacy that will benefit all the world's citizens.

With regard to my legislation's introduction today, our Nation must recognize the incredible impact that U.S. technologies and ideas can have in helping to meet other nations' energy needs in a more sustainable way. We must work to open and expand international markets for a range of U.S. clean energy technologies and simultaneously address global energy security, economic, trade, and environmental objectives.

I thank you for this opportunity and hope this legislation will receive serious consideration. I urge Members to see this as a key component of the architecture that will be necessary if we ever hope to seriously tackle the tough energy and environment issues before us as well as a way to enhance our broader foreign policy and climate change efforts around the world.

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. 745

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 ''International Clean Energy Deployment and Global Energy Markets Investment Act of 2005''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the cooperation of the United States with developing countries in addressing critical energy needs and global climate change;

(2) to promote sustainable economic development, increase access to modern energy services, reduce greenhouse gas emissions, and strengthen energy security and independence in developing countries through the deployment of clean energy technologies;

(3) to facilitate the export of clean energy technologies to developing countries;

(4) to reduce the trade deficit of the United States through the export of United States energy technologies and technological expertise;

(5) to retain and create manufacturing and related service jobs in the United States;

(6) to integrate the objectives described in paragraphs (1) through (5) in a manner consistent with interests of the United States, into the foreign policy of the United States;

(7) to authorize funds for clean energy development activities in developing countries; and

(8) to ensure that activities funded under part C of title VII of the Global Environmental Protection Assistance Act of 1989 (as added by section 3) contribute to economic growth, poverty reduction, good governance, the rule of law, property rights, and environmental protection.

SEC. 3. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

Title VII of the Global Environmental Protection Assistance Act of 1989 (Public Law 101–240; 103 Stat. 2521) is amending by adding at the end the following:

"PART C—CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

"SEC. 731. DEFINITIONS.

''In this part:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in any developing country—

''(A) is reliable, affordable, economically viable, socially acceptable, and compatible with the needs and norms of the host country;

''(B) results in—

''(i) reduced emissions of greenhouse gases; or

''(ii) increased geological sequestration; and

''(C) may—

''(i) substantially lower emissions of air pollutants; and

''(ii) generate substantially smaller or less hazardous quantities of solid or liquid waste.

''(2) DEPARTMENT.—The term 'Department' means the Department of State.

''(3) DEVELOPING COUNTRY.—

''(A) IN GENERAL.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(B) INCLUSION.—The term 'developing country' may include a country with an

economy in transition, as determined by the Secretary.

''(4) GEOLOGICAL SEQUESTRATION.—The term 'geological sequestration' means the capture and long-term storage in a geological formation of a greenhouse gas from an energy producing facility, which prevents the release of greenhouse gases into the atmosphere.

''(5) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(7) INTERAGENCY WORKING GROUP.—The term 'Interagency Working Group' means the Interagency Working Group on Clean Energy Technology Exports established under section 732(b)(1)(A).

''(8) NATIONAL LABORATORY.—The term 'National Laboratory' means any of the following laboratories owned by the Department of Energy:

''(A) Ames Laboratory.

''(B) Argonne National Laboratory.

''(C) Brookhaven National Laboratory.

''(D) Fermi National Accelerator Laboratory.

''(E) Idaho National Engineering and Environmental Laboratory.

''(F) Lawrence Berkeley National Laboratory.

''(G) Lawrence Livermore National Laboratory.

''(H) Los Alamos National Laboratory.

''(I) National Energy Technology Laboratory.

''(J) National Renewable Energy Laboratory.

''(K) Oak Ridge National Laboratory.

''(L) Pacific Northwest National Laboratory.

''(M) Princeton Plasma Physics Laboratory.

''(N) Sandia National Laboratories.

''(O) Stanford Linear Accelerator Center.

''(P) Thomas Jefferson National Accelerator Facility.

''(9) QUALIFYING PROJECT.—The term 'qualifying project' means a project meeting the criteria established under section 735(b).

''(10) SECRETARY.—The term 'Secretary' means the Secretary of State.

''(11) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(12) STRATEGY.—The term 'Strategy' means the strategy established under section 733.

''(13) TASK FORCE.—The term 'Task Force' means the Task Force on International Clean Energy Cooperation established under section 732(a).

''(14) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.

''SEC. 732. ORGANIZATION.

''(a) TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this part, the President shall establish a Task Force on International Clean Energy Cooperation.

''(2) COMPOSITION.—The Task Force shall be composed of—

''(A) the Secretary, who shall serve as Chairperson; and

''(B) representatives, appointed by the head of the respective Federal agency, of—

''(i) the Department of Commerce;

''(ii) the Department of the Treasury;

''(iii) the Department of Energy;

''(iv) the Environmental Protection Agency;

''(v) the United States Agency for International Development;

''(vi) the Export-Import Bank;

''(vii) the Overseas Private Investment Corporation;

''(viii) the Trade and Development Agency;

''(ix) the Small Business Administration;

''(x) the Office of United States Trade Representative; and

''(xi) other Federal agencies, as determined by the President.

''(3) DUTIES.—

''(A) LEAD AGENCY.—The Task Force shall act as the lead agency in the development and implementation of strategy under section 733.

''(B) COORDINATION AND IMPLEMENTATION.—The Task Force shall support the coordination and implementation of programs under sections 1331, 1332, and 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13361, 13362, 13387).

''(4) TERMINATION.—The Task Force, including any working group established by the Task Force, shall terminate on January 1, 2016.

''(b) WORKING GROUPS.—

''(1) ESTABLISHMENT.—The Task Force—

''(A) shall establish an Interagency Working Group on Clean Energy Technology Exports; and

''(B) may establish other working groups as necessary to carry out this part.

''(2) COMPOSITION OF INTERAGENCY WORKING GROUP.—The Interagency Working Group shall be composed of—

''(A) the Secretary of Energy, the Secretary of Commerce, and the Administrator of the United States Agency for International Development, who shall jointly serve as Chairpersons; and

''(B) other members, as determined by the Task Force.

''(c) INTERAGENCY CENTER.—

''(1) ESTABLISHMENT.—There is established an Interagency Center in the Office of International Energy Market Development of the Department of Energy.

''(2) DUTIES.—The Interagency Center shall—

''(A) assist the Interagency Working Group in carrying out this part; and

''(B) perform such other duties as are determined to be appropriate by the Secretary of Energy.

''SEC. 733. STRATEGY.

''(a) INITIAL STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Task Force shall develop and submit to the President a Strategy to—

''(A) support the development and implementation of programs and policies in developing countries to promote the adoption of clean energy technologies and energy efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

''(B) open and expand clean energy technology markets and facilitate the export of clean energy technology to developing countries, in a manner consistent with the subsidy codes of the World Trade Organization;

''(C) integrate into the foreign policy objectives of the United States the promotion of—

''(i) clean energy technology deployment and reduced greenhouse gas emissions in developing countries; and

''(ii) clean energy technology exports;

''(D) establish a pilot program that provides financial assistance for qualifying projects; and

''(E) develop financial mechanisms and instruments (including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy of the United States by combining the private sector market and government enhancements) that—

''(i) are cost-effective; and

''(ii) facilitate private capital investment in clean energy technology projects in developing countries.

''(2) TRANSMISSION TO CONGRESS.—On receiving the Strategy from the Task Force under paragraph (1), the President shall transmit to Congress the Strategy.

''(b) UPDATES.—

''(1) IN GENERAL.—Not later than 2 years after the date of submission of the initial Strategy under subsection (a)(1), and every 2 years thereafter—

''(A) the Task Force shall—

''(i) review and update the Strategy; and

''(ii) report the results of the review and update to the President; and

''(B) the President shall submit to Congress a report on the Strategy.

''(2) INCLUSIONS.—The report shall include—

''(A) the updated Strategy;

''(B) a description of the assistance provided under this part;

''(C) the results of the pilot projects carried out under this part, including a comparative analysis of the relative merits of each pilot project;

''(D) the activities and progress reported by developing countries to the Department under section 736(b)(2); and

''(E) the activities and progress reported towards meeting the goals established under section 736(b)(2).

''(c) CONTENT.—In developing, updating, and submitting a report on the Strategy, the Task Force shall—

''(1) assess—

''(A) energy trends, energy needs, and potential energy resource bases in developing countries; and

''(B) the implications of the trends and needs for domestic and global economic and security interests;

''(2) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technologies and strategies;

''(3) examine relevant trade, tax, finance, international, and other policy issues to assess what policies, in the United States and in developing countries, would help open markets and improve clean energy technology exports of the United States in support of—

''(A) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

''(B) improving energy end-use efficiency technologies (including buildings and facilities) and vehicle, industrial, and co-generation technology initiatives; and

''(C) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

''(4) investigate issues associated with building capacity to deploy clean energy technology in developing countries, including—

''(A) energy-sector reform;

''(B) creation of open, transparent, and competitive markets for clean energy technologies;

''(C) the availability of trained personnel to deploy and maintain clean energy technology; and

''(D) demonstration and cost-buydown mechanisms to promote first adoption of clean energy technology;

''(5) establish priorities for promoting the diffusion and adoption of clean energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States;

''(6) identify the means of integrating the priorities established under paragraph (5) into bilateral, multilateral, and assistance activities and commitments of the United States;

''(7) establish methodologies for the measurement, monitoring, verification, and reporting under section 736(b)(2) of the greenhouse gas emission impacts of clean energy projects and policies in developing countries;

''(8) establish a registry that is accessible to the public through electronic means (including through the Internet) in which information reported under section 736(b)(2) shall be collected;

''(9) make recommendations to the heads of appropriate Federal agencies on ways to streamline Federal programs and policies to improve the role of the agencies in the international development, demonstration, and deployment of clean energy technology;

''(10) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to deploy clean energy technology;

''(11) recommend conditions and criteria that will help ensure that funds provided by the United States promote sound energy policies in developing countries while simultaneously opening their markets and exporting clean energy technology of the United States;

''(12) establish an advisory committee, composed of representatives of the private sector and other interested groups, on the export and deployment of clean energy technology;

''(13) establish a coordinated mechanism for disseminating information to the private sector and the public on clean energy technologies and clean energy technology transfer opportunities; and

''(14) monitor the progress of each Federal agency in promoting the purposes of this part, in accordance with—

''(A) the 5-year strategic plan submitted to Congress in October 2002; and

''(B) other applicable law.

''SEC. 734. CLEAN ENERGY ASSISTANCE TO DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Subject to section 736, the Secretary may provide assistance to developing countries for activities that are consistent with the priorities established in the Strategy.

''(b) ASSISTANCE.—The assistance may be provided through—

''(1) the Millennium Challenge Corporation established under section 604(a) of the Millennium Challenge Act of 2003 (22 U.S.C. 7703(a));

''(2) the Global Village Energy Partnership; and

''(3) other international assistance programs or activities of—

''(A) the Department;

''(B) the United States Agency for International Development; and

''(C) other Federal agencies.

''(c) ELIGIBLE ACTIVITIES.—The activities supported under this section include—

''(1) development of national action plans and policies to—

''(A) facilitate the provision of clean energy services and the adoption of energy efficiency measures;

''(B) identify linkages between the use of clean energy technologies and the provision of agricultural, transportation, water, health, educational, and other development-related services; and

''(C) integrate the use of clean energy technologies into national strategies for economic growth, poverty reduction, and sustainable development;

''(2) strengthening of public and private sector capacity to—

''(A) assess clean energy needs and options;

''(B) identify opportunities to reduce, avoid, or sequester greenhouse gas emissions;

''(C) establish enabling policy frameworks;

''(D) develop and access financing mechanisms; and

''(E) monitor progress in implementing clean energy and greenhouse gas reduction strategies;

''(3) enactment and implementation of market-favoring measures to promote commercial-based energy service provision and to improve the governance, efficiency, and financial performance of the energy sector; and

''(4) development and use of innovative public and private mechanisms to catalyze and leverage financing for clean energy technologies, including use of the development credit authority of the United States Agency for International Development and credit enhancements through the Export-Import Bank and the Overseas Private Investment Corporation.

''SEC. 735. PILOT PROGRAM FOR DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this part, the Secretary, in consultation with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall, by regulation, establish a pilot program that provides financial assistance for qualifying projects consistent with the Strategy and the performance criteria established under section 736.

''(b) QUALIFYING PROJECTS.—To be qualified to receive assistance under this section, a project shall—

''(1) be a project—

''(A) to construct an energy production facility in a developing country for the production of energy to be consumed in the developing country; or

''(B) to improve the efficiency of energy use in a developing country;

''(2) be a project that—

''(A) is submitted by a firm of the United States to the Secretary in accordance with procedures established by the Secretary by regulation;

''(B) meets the requirements of section 1608(k) of the Energy Policy Act of 1992 (42 U.S.C. 13387(k));

''(C) uses technology that has been successfully developed or deployed in the United States; and

''(D) is selected by the Secretary without regard to the developing country in which the project is located, with notice of the selection published in the Federal Register; and

''(3) when deployed, result in a greenhouse gas emission reduction (when compared to the technology that would otherwise be deployed) of at least—

''(A) in the case of a unit or energy-efficiency measure placed in service during the period beginning on the date of enactment of this part and ending on December 31, 2009, 20 percentage points;

''(B) in the case of a unit or energy-efficiency measure placed in service during the period beginning on January 1, 2010, and ending on December 31, 2019, 40 percentage points; and

''(C) in the case of a unit or energy-efficiency measure placed in service after December 31, 2019, 60 percentage points.

''(c) FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—For each qualifying project selected by the Secretary to participate in the pilot program, the Secretary shall make a loan or loan guarantee available for not more than 50 percent of the total cost of the project.

''(2) INTEREST RATE.—The interest rate on a loan made under this subsection shall be equal to the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

''(3) HOST COUNTRY CONTRIBUTION.—To be eligible for a loan or loan guarantee for a project in a host country under this subsection, the host country shall—

''(A) make at least a 10 percent contribution toward the total cost of the project; and

''(B) verify to the Secretary (using the methodology established under section 733(c)(7)) the quantity of annual greenhouse gas emissions reduced, avoided, or sequestered as a result of the deployment of the project.

''(4) CAPACITY BUILDING RESEARCH.—

''(A) IN GENERAL.—A proposal made for a qualifying project may include a research component intended to build technological capacity within the host country.

''(B) RESEARCH.—To be eligible for a loan or loan guarantee under this paragraph, the research shall—

''(i) be related to the technology being deployed; and

''(ii) involve—

''(I) an institution in the host country; and

''(II) a participant from the United States that is an industrial entity, an institution of higher education, or a National Laboratory.

''(C) HOST COUNTRY CONTRIBUTION.—To be eligible for a loan or loan guarantee for research in a host country under this paragraph, the host country shall make at least a 50 percent contribution toward the total cost of the research.

''(5) GRANTS.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the United States Agency for International Development, may, at the request of the United States ambassador to a host country, make grants to help address and overcome specific, urgent, and unforeseen obstacles in the implementation of a qualifying project.

''(B) MAXIMUM AMOUNT.—The total amount of a grant made for a qualifying project under this paragraph may not exceed $1,000,000.

''SEC. 736. PERFORMANCE CRITERIA FOR MAJOR ENERGY CONSUMERS.

''(a) IDENTIFICATION OF MAJOR ENERGY CONSUMERS.—Not later than 1 year after the date of enactment of this part, the Task Force shall identify those developing countries that, by virtue of present and projected energy consumption, represent the predominant share of energy use among developing countries.

''(b) PERFORMANCE CRITERIA.—As a condition of accepting assistance provided under sections 734 and 735, any developing country identified under subsection (a) shall—

''(1) meet the eligibility criteria established under section 607 of the Millennium Challenge Act of 2003 (22 U.S.C. 7706), notwithstanding the eligibility of the developing country as a candidate country under section 606 of that Act (22 U.S.C. 7705); and

''(2) agree to establish and report on progress in meeting specific goals for reduced energy-related greenhouse gas emissions and specific goals for—

''(A) increased access to clean energy services among unserved and underserved populations;

''(B) increased use of renewable energy resources;

''(C) increased use of lower greenhouse gas-emitting fossil fuel-burning technologies;

''(D) more efficient production and use of energy;

''(E) greater reliance on advanced energy technologies;

''(F) the sustainable use of traditional energy resources; or

''(G) other goals for improving energy-related environmental performance, including the reduction or avoidance of local air and water quality and solid waste contaminants.

''SEC. 737. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this part for each of fiscal years 2006 through 2015.''.

By Mrs. FEINSTEIN:

S. 746. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize the Inland Empire Regional Water Recycling initiative to be part of the U.S. Bureau of Reclamation's Title XVI program. These water recycling projects will produce approximately 100,000 acre-feet of new water annually in one of the most rapidly growing regions in the United States.

The legislation would authorize two project components: the first of which will be constructed by the Inland Empire Utilities Agency, IEUA and will produce approximately 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District CVWD, will produce an additional 5,000 acre feet of new water annually. Combined, approximately 100,000 acre feet of new water would be produced locally by 2010, reducing the need for imported water from the Colorado River and northern California through the California Water Project.

Significantly, the Federal cost share is only 10 percent of the upfront capital costs.

We must continue to approve measures preventing water supply shortages in the Western United States. The Inland Empire region is one of the fastest growing areas in the nation. This legislation means that the Inland Empire will use less water from the Colorado River and northern California, and the bill will have other benefits like improved water quality, energy savings, and job creation.

The development of recycled water has enormous capacity to produce significant amounts of water, and have it ''on line'' in a relatively short period of time. Recycled water provides our State and region with the ability to ''stretch'' existing water supplies significantly and in so doing, minimize conflict and address the many needs that exist. According to the State of California's Recycled Water Task Force, water recycling is a critical part of California's water future with an estimated 1.5 million acre-feet of new supplies being developed over the next 25 years.

Today's Commissioner of Reclamation said it best when, in a speech to the WateReuse Association he declared that recycled water is ''the last river to tap.''

IEUA produces recycled water for a variety of non-potable purposes, such as landscape irrigation, agricultural irrigation, construction, and industrial cooling. By replacing these water-intensive applications with high-quality recycled water, fresh water can be conserved or used for drinking, thereby reducing the dependence on expensive imported water.

As we look into the future, it is appropriate that we are guided by lessons from the recent past. In the late 1980's, California confronted a sustained, multi-year drought. It was so serious that some observed that our State had 6-year-old first graders who had never seen ''green grass.'' California faced a crisis and water agencies and water districts, particularly in Southern California found a solution—recycled water.

In 1991, the Secretary of the Interior in President George H.W. Bush's administration, Manual Lujan, recognized that California was receiving more water from the Colorado River than its allocation. The Interior Secretary looked into the future and saw a day when California would get its allocation—4.4. million acre-feet, but no longer would it get up to 800,000 acre-feet of ''surplus flows.'' As is well known, that day has arrived.

For any political leader, it's always a tremendous challenge to look into the future and design programs and solutions to a crisis. Secretary Lujan did exactly that. In August 1991, he launched the Southern California Water Initiative, a program to evaluate and study the feasibility of water reclamation projects. Mr. Lujan's vision was to build replacement water capacity to offset the anticipated Colorado River water supply reductions. In this endeavor, Secretary Lujan was assisted by then Commissioner of Reclamation Dennis Underwood. Last week, Mr. Underwood was selected by the Metropolitan Water District of Southern California, MWD, board of directors as their new general manager and CEO.

Congress saw the wisdom of the Lujan initiative too. Congress, in 1992, was completing work on major water legislation. The Lujan initiative, a year after it was first announced, became Title XVI, the Bureau of Reclamation water recycling program that today serves the entire West, not just California. Today, water recycling is an essential water supply element in Albuquerque, Phoenix, Denver, Salt Lake City, Tucson, El Paso, San Antonio, Portland and other western metropolitan areas.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana, through the Fontana Water Company, Ontario, Upland, Montclair, Rancho Cucamonga through the Cucamonga Valley Water District, and the Monte Vista Water District.

This bill is also supported by and fully consistent with the Metropolitan Water District of Southern California, MWD's Integrated Resource Plan, Santa Ana Watershed Project Authority, SAWPA's Integrated Watershed Plan, and the Chino Basin Watermaster's Optimum Basin Management Plan, Inland Empire Utility Agency's Feasibility Study, Cucamonga Valley Water District's ''Every Drop Counts'' Urban Water Reuse Management Strategy, the Bureau of Reclamation's Southern California Comprehensive Water Recycling and Reuse Feasibility Study, the State of California's Water Recycling Task Force, the WateReuse Association, the Association of California Water Agencies, ACWA and the U.S. Department of the Interior's Water 2025 Initiative.

Environmental groups such as the Mono Lake Committee, Environmental Defense, Clean Water and Natural Resources Defense Council strongly support recycling projects. Business leaders such as Southern Cal Edison and Building Industry Association also support these water recycling projects.

These projects were authorized for feasibility study in Public Law 102–575, Title XVI, Section 1606, the Southern California Comprehensive Water Recycling and Reuse Feasibility Study in 1992. The State of California, Metropolitan Water District of Southern California, SAWPA and others provided $3 million of the $6 million required for the regional feasibility study of which these projects were one part.

Detailed Feasibility Studies and environmentally reports have been prepared and approved by both agencies and certified by the State of California.

Congressman DAVID DREIER introduced identical legislation in the House in the 108th Congress. The House Resources Committee and then the House of Representatives both passed the bill unanimously.

His bill is cosponsored by Representatives GARY MILLER, GRACE NAPOLITANO, KEN CALVERT and JOE BACA.

And these valuable recycling projects would never have progressed at all without the hard work and dedication of Mr. Robert DeLoach, general manager of the Cucamonga Valley Water District, and Mr. Rich Atwater, CEO and general manager of the Inland Empire Utilities Agency.

I urge my colleagues to support this bill. 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. 746

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

SECTION 1. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) SHORT TITLE.—This section may be cited as the ''Inland Empire Regional Water Recycling Initiative''.

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by redesignating the second section 1636 (as added by section 1(b) of Public Law 108–316 (118 Stat. 1202)) as section 1637; and

(2) by adding at the end the following:

''SEC. 1638. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 1639. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.''.

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by striking the item relating to the second section 1636 (as added by section 2 of Public Law 108–316 (118 Stat. 1202)) and inserting the following:

''Sec. 1637. Williamson County, Texas, Water Recycling and Reuse Project.
''Sec. 1638. Inland Empire Regional Water Recycling Program.
''Sec. 1639. Cucamonga Valley Water Recycling Project.''.

By Mr. LEVIN (for himself, Mr. THOMAS, Mr. GRASSLEY, and Ms. STABENOW):

S. 749. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I am pleased to join with Senators CRAIG THOMAS, CHUCK GRASSLEY and DEBBIE STABENOW in introducing the Federal Prison Industries Competition in Contracting Act. Our bill is based on a straightforward premise: it is unfair for Federal Prison Industries to deny businesses in the private sector an opportunity to compete for sales to their own government.

We have made immeasurable progress on this issue since I first introduced a similar bill ten years ago. It may seem incredible, but at that time, Federal Prison Industries (FPI) could bar private sector companies from competing for a federal contract. Under the law establishing Federal Prison Industries, if Federal Prison Industries said that it wanted a contract, it would get that contract, regardless whether a company in the private sector could provide the product better, cheaper, or faster.

Four years ago, the Senate took a giant step toward addressing this inequity when we voted 74–24 to end Federal Prison Industries' monopoly on Department of Defense contracts. Not only was that provision enacted into law, we were able to strengthen it with a second provision in last year's defense bill. Last year, we took another important step, enacting an appropriations provision which extends the DOD rules to other Federal agencies. This means that, for the first time, private sector companies should be able to compete against for contracts awarded by all Federal agencies.

Despite this progress, work remains to be done. We have heard reports from federal procurement officials and from small businesses that FPI continues to claim that it retains the mandatory source status that protected it from competition for so long. This kind of misleading statement may undermine the right to compete that we have fought so hard for so long to establish.

In addition, FPI continues to sell its services into interstate commerce on an unlimited basis. I am concerned that the sale of prison labor into commerce could have the effect of undermining companies and work forces that are already in a weakened position as a result of foreign competition. We have long taken the position as a nation that prison-made goods should not be sold into commerce, where prison wages of a few cents per hour could too easily undercut private sector competition. It is hard for me to understand why the sale of services should be treated any differently than the sale of products.

The bill that we are introducing today would address these issues by making it absolutely clear that FPI no longer has a mandatory source status, by reaffirming the critical requirement that FPI compete for its contracts, and by carefully limiting the circumstances under which prison services may be sold into the private sector economy.

I look forward to working with my colleagues on these important issues, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 749

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

SECTION 1. GOVERNMENTWIDE PROCUREMENT POLICY RELATING TO PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) REQUIREMENTS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

''SEC. 42. GOVERNMENTWIDE PROCUREMENT POLICY RELATING TO PURCHASES FROM FEDERAL PRISON INDUSTRIES.

''(a) COMPETITION REQUIRED.—In the procurement of any product that is authorized to be offered for sale by Federal Prison Industries and is listed in the catalog published and maintained by Federal Prison Industries under section 4124(b) of title 18, United States Code, or any service offered to be provided by Federal Prison Industries, the head of an executive agency shall, except as provided in subsection (d)—

''(1) use competitive procedures for entering into a contract for the procurement of such product, in accordance with the requirements applicable to such executive agency under sections 2304 and 2305 of title 10, United States Code, or sections 303 through 303C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253 through 253c); or

''(2) make an individual purchase under a multiple award contract in accordance with competition requirements applicable to such purchases.

''(b) OFFERS FROM FEDERAL PRISON INDUSTRIES.—In conducting a procurement pursuant to subsection (a), the head of an executive agency shall—

''(1) notify Federal Prison Industries of the procurement at the same time and in the same manner as other potential offerors are notified;

''(2) consider a timely offer from Federal Prison Industries for award in the same manner as other offers (regardless of whether Federal Prison Industries is a contractor under an applicable multiple award contract); and

''(3) consider a timely offer from Federal Prison Industries without limitation as to the dollar value of the proposed purchase, unless the contract opportunity has been reserved for competition exclusively among small business concerns pursuant to section 15(a) of the Small Business Act (15 U.S.C. 644(a)) and its implementing regulations.

''(c) IMPLEMENTATION BY AGENCIES.—The head of each executive agency shall ensure that—

''(1) the executive agency does not purchase a Federal Prison Industries product or service unless a contracting officer of the executive agency determines that the product or service is comparable to a product or service available from the private sector that best meet the executive agency's needs in terms of price, quality, and time of delivery; and

''(2) Federal Prison Industries performs its contractual obligations to the executive agency to the same extent as any other contractor for the executive agency.

''(d) EXCEPTION.—

''(1) OTHER PROCEDURES.—The head of an executive agency may use procedures other than competitive procedures to enter into a contract with Federal Prison Industries only under the following circumstances:

''(A) The Attorney General personally determines in accordance with paragraph (2), within 30 days after Federal Prison Industries has been informed by the head of that executive agency of an opportunity for award of a contract for a product or service, that—

''(i) Federal Prison Industries cannot reasonably expect fair consideration in the selection of an offeror for award of the contract on a competitive basis; and

''(ii) the award of the contract to Federal Prison Industries for performance at a penal or correctional facility is necessary to maintain work opportunities not otherwise available at the penal or correctional facility that prevent circumstances that could reasonably be expected to significantly endanger the safe and effective administration of such facility.

''(B) The product or service is available only from Federal Prison Industries and the contract may be awarded under the authority of section 2304(c)(1) of title 10, United States Code, or section 303(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)), as may be applicable, pursuant to the justification and approval requirements relating to noncompetitive procurements specified by law and the Federal Acquisition Regulation.

''(2) DETERMINATION.—

''(A) IN GENERAL.—A determination made by the Attorney General regarding a contract pursuant to paragraph (1)(A) shall be—

''(i) supported by specific findings by the warden of the penal or correctional institution at which a Federal Prison Industries workshop is scheduled to perform the contract;

''(ii) supported by specific findings by Federal Prison Industries regarding the reasons that it does not expect to be selected for award of the contract on a competitive basis; and

''(iii) made and reported in the same manner as a determination made pursuant to section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7)).

''(B) NONDELEGATION.—The Attorney General may not delegate to any other official authority to make a determination that is required under paragraph (1)(A) to be made personally by the Attorney General.

''(e) PERFORMANCE AS A SUBCONTRACTOR.—

''(1) IN GENERAL.—A contractor or potential contractor under a contract entered into by the head of an executive agency may not be required to use Federal Prison Industries as a subcontractor or supplier of a product or provider of a service for the performance of the contract by any means, including means such as—

''(A) a provision in a solicitation of offers that requires a contractor to offer to use or specify a product or service of Federal Prison Industries in the performance of the contract;

''(B) a contract clause that requires the contractor to use or specify a product or service (or classes of products or services) offered by Federal Prison Industries in the performance of the contract; or

''(C) any contract modification that requires the use of a product or service of Federal Prison Industries in the performance of the contract.

''(2) SUBCONTRACTOR OR SUPPLIER.—A contractor using Federal Prison Industries as a subcontractor or supplier in furnishing a commercial product pursuant to a contract of an executive agency shall implement appropriate management procedures to prevent an introduction of an inmate-produced product into the commercial market.

''(3) DEFINITION.—In this subsection, the term 'contractor', with respect to a contract, includes a subcontractor at any tier under the contract.

''(f) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The head of an executive agency may not enter into any contract with Federal Prison Industries under which an inmate worker would have access to—

''(1) any data that is classified or will become classified after being merged with other data;

''(2) any geographic data regarding the location of—

''(A) surface or subsurface infrastructure providing communications or water or electrical power distribution;

''(B) pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

''(C) other utilities; or

''(3) any personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

''Sec. 42. Governmentwide procurement policy relating to purchases from Federal Prison Industries.''.

SEC. 2. CONFORMING AMENDMENTS.

(a) REPEAL OF INCONSISTENT REQUIREMENTS APPLICABLE TO DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Section 2410n of title 10, United States Code, is repealed.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2410n.

(b) REPEAL OF INCONSISTENT REQUIREMENTS APPLICABLE TO OTHER AGENCIES.—Section 4124 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(2) in subsection (a), as redesignated by paragraph (1), by striking ''Federal department, agency, and institution subject to the requirements of subsection (a)'' and inserting ''Federal department and agency''.

(c) OTHER LAWS.—

(1) JAVITS-WAGNER-O'DAY ACT.—Section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48) is amended by striking ''which, under section 4124 of such title, is required'' and inserting ''which is required by law''.

(2) SMALL BUSINESS ACT.—Section 31(b)(4) of the Small Business Act (15 U.S.C. 657a(b)(4)) is amended by striking ''a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)'' and inserting ''a different source under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) or Federal Prison Industries under section 40(d) of the Office of Federal Procurement Policy Act or section 4125 of title 18, United States Code''.

SEC. 3. UNLAWFUL TRANSPORTATION OR IMPORTATION OF PRODUCTS, SERVICES, OR MINERALS RESULTING FROM CONVICT LABOR.

(a) PROHIBITION.—Section 1761 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after ''reformatory institution,'' the following: ''or knowingly sells in interstate commerce any services, other than disassembly and scrap resale activities to achieve landfill avoidance, furnished wholly or in part by convicts or prisoners, except convicts or prisoners on parole, supervised release, or probation, or in any penal or reformatory institution,''; and

(2) in the matter preceding paragraph (1) in subsection (c), by inserting '', or services furnished,'' after ''or mined''.

(b) COMPLETION OF EXISTING AGREEMENTS.—Any prisoner work program operated by the Federal Government or by a State or local government which was providing a service for the commercial market through inmate labor on October 1, 2005, may continue to provide such commercial services until—

(1) the expiration that was specified in the contract or other agreement with a commercial partner on October 1, 2005; or

(2) until September 30, 2006, if no expiration date was specified in a contract or other agreement with a commercial partner.

(c) APPROVAL REQUIRED FOR LONG-TERM OPERATION OF STATE AND LOCAL PROGRAMS.—Except as provided in subsection (b), a prison work program operated by a State or local government may provide a service for the commercial market through inmate labor only if such program has been certified pursuant to section 1761(c) of title 18, United States Code, and is in compliance with the requirements of such subsection and its implementing regulations.

(d) APPROVAL REQUIRED FOR LONG-TERM OPERATION OF FEDERAL PROGRAMS.—Except as provided in subsection (b), a prison work program operated by the Federal Government may provide a service for the commercial market through inmate labor only if a Federal Prison Industries proposal to provide such services is approved in accordance with the requirements of this subsection by the Secretary of Commerce, the Secretary of Labor, and the Administrator of the Small Business Administration. Such a proposal may be approved only upon a determination, after notice and an opportunity for public comment, that—

(1) the service to be provided would be provided exclusively by foreign labor in the absence of the Federal Prison Industries proposal; and

(2) the approval of the proposal will not have an adverse impact on employment in any United States business.

(e) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—A prison work program operated by a State or local government may not provide a service, including a service for the commercial market through inmate labor pursuant to section 1761(c) of title 18, United States Code, under which an inmate worker would have access to—

(1) any data that is classified or will become classified after being merged with other data;

(2) any geographic data regarding the location of—

(A) surface or subsurface infrastructure providing communications or water or electrical power distribution;

(B) pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

(C) other utilities or transportation infrastructure; or

(3) any personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.

SEC. 4. ADDITIONAL INMATE WORK OPPORTUNITIES THROUGH PUBLIC SERVICE ACTIVITIES.

(a) COOPERATION WITH CHARITABLE ORGANIZATIONS.—Chapter 307 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 4130. COOPERATION WITH CHARITABLE ORGANIZATIONS.

''(a) SALE OR DONATION OF PRODUCTS OR SERVICES TO CHARITABLE ENTITIES.—Federal Prison Industries may, subject to subsection (b), sell or donate a product or service to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code. Any product or service sold or donated under this section may be donated or sold by the charitable organization to low-income individuals who would otherwise have difficulty purchasing such products or services.

''(b) WORK AGREEMENTS WITH CHARITABLE ORGANIZATIONS.—

''(1) IN GENERAL.—Federal Prison Industries may sell or donate a product or service to a charitable organization under subsection (a) only pursuant to a work agreement with the charitable organization receiving the product or service.

''(2) TERMS.—Federal Prison Industries may enter a work agreement relating to a product and service under paragraph (1) only if—

''(A) the Attorney General determines, in consultation with the Secretary of Labor and the Secretary of Commerce, that the product or service would not be available except for the availability of inmate workers provided by Federal Prison Industries; and

''(B) the work agreement is accompanied by a written certification by the chief executive officer of the charitable organization that—

''(i) no job of a noninmate employee or volunteer of the charitable organization (or any affiliate of the charitable organization) will be abolished, and no such employee's or volunteer's work hours will be reduced, as a result of the entity being authorized to utilize inmate workers; and

''(ii) the work to be performed by the inmate workers will not supplant work currently being performed by a contractor of the charitable organization.

''(3) NONDELEGATION.—The Attorney General may not delegate authority to make determinations under paragraph (2)(A) to any person serving in a position below the lowest level of positions that are filled by appointment by the President, by and with the advice and consent of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of title 18, United States Code, is amended by adding at the end the following:

''4130. Cooperation with charitable organizations.

SEC. 5. ADDITIONAL REHABILITATIVE OPPORTUNITIES FOR INMATES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 4049. ENHANCED IN-PRISON EDUCATIONAL AND VOCATIONAL ASSESSMENT AND TRAINING PROGRAM.

''(a) IN GENERAL.—There is established the Enhanced In-Prison Educational and Vocational Assessment and Training Program within the Federal Bureau of Prisons.

''(b) REQUIREMENTS.—The program established under this section shall provide, at a minimum, a full range of educational opportunities, vocational training and apprenticeships, and comprehensive release-readiness preparation for inmates in Federal prisons.''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''4049. Enhanced In-Prison Educational and Vocational Assessment and Training Program.

(b) IMPLEMENTATION OBJECTIVE.—It shall be the objective of the Federal Bureau of Prisons to implement the program established under section 4049 of title 18, United States Code (as added by subsection (a)), in all Federal prisons not later than 8 years after the date of the enactment of this Act.

SEC. 6. NEW PRODUCTS AND EXPANDED PRODUCTION OF EXISTING PRODUCTS.

Federal Prison Industries shall, to the maximum extent practicable, increase inmate employment by producing new products or expanding the production of existing products for the public sector that would otherwise be produced outside the United States.

SEC. 7. TRANSITIONAL PERSONNEL MANAGEMENT AUTHORITY.

Any correctional officer or other employee of Federal Prison Industries being paid with nonappropriated funds who would be separated from service because of a reduction in the net income of Federal Prison Industries before the date that is 5 years after the date of the enactment of this Act shall be—

(1) eligible for appointment (or reappointment) in the competitive service in accordance with subpart B or part III of title 5, United States Code;

(2) registered on a Bureau of Prisons reemployment priority list; and

(3) given priority for any other position within the Bureau of Prisons for which such employee is qualified.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

Mr. THOMAS. President, today I am pleased to join Senator LEVIN in introducing a bill that will further my efforts to limit unfair government competition with the private sector. Throughout my career in public office, I have always taken the position that government should not compete unfairly with American small businesses. If a function or product is available in the private sector, then that should be the first avenue of choice as opposed to having that function provided by government.

For several years now, Federal Prison Industries (FPI), a government entity with the purpose of keeping prisoners busy while serving their sentences, has been providing a growing variety of products and services to both the Federal Government and the private sector. Currently, FPI employs approximately 21,000 Federal prisoners or roughly 12 percent of a population of 174,000. These prisoners are responsible for producing a diverse range of products for FPI, ranging from office furniture to clothing, as well as providing a variety of services, including telemarketing. The remaining Federal prisoners who work do so in and around Federal prisons.

Through its status as a sole provider of certain goods to the Federal Government, FPI has effectively blocked private sector businesses from having a chance to provide products, even though they may be able to provide a better product in a more cost effective and efficient manner. This situation is not in the best interest of the American taxpayer and is blatantly unfair to American small businesses across the country. Along with Senators GRASSLEY and STABENOW, SENATOR LEVIN and I propose to enact thorough and lasting reforms to Federal Prison Industries that would ensure that they no longer compete unfairly with private sector small businesses.

We have already taken steps to remedy the situation. In last year's Omnibus Appropriations bill, language was included that prohibited funding for sole source products from FPI and subjected such procurements to follow the competitive requirements set out in the Federal Acquisitions Regulations. However, there are questions as to whether the mandatory sourcing requirement still remains under these regulations. Our bill makes it very clear to Federal Managers and Federal Prison Industries that contracting officers are to use competitive procedures for the procurement of products and services. This approach allows federal agencies to select FPI for contracts if, as a result of a competitive process, FPI can meet that particular agency's requirements and the product or service is the best value offered at a fair and reasonable price. By removing FPI's status as the sole provider and subjecting procurement to competition, the above outlined provision in our bill places the control of government procurement in the hands of contracting officers and allows them to pursue the most cost effective and efficient use of taxpayer dollars.

While we believe that it is important to keep prisoners working, we do not believe that this effort should unduly harm or conflict with law-abiding businesses. This bill seeks to minimize the unfair competition that private sector companies face with the FPI. As FPI continues to expand its reach into providing services, the low costs of inmate labor is undercutting private sector businesses that provide similar services. The result is an unfair advantage for FPI. While allowing for the conclusion of current contracts, this bill also looks to limit services provided by inmates that compete with the private sector in interstate commerce. Additionally, the bill prohibits FPI from production of goods or services in which an inmate would have access to classified or sensitive data.

We support the goal of keeping prisoners busy while serving their time in prison. But FPI should not be placed in a position of advantage when providing goods to the federal government, and these activities should not unfairly compete with services already provided in the private sector. However, I recognize that there may be cases in which a particular contract is deemed essential to the safety and effective administration of a particular prison. To deal with these exceptions, a provision is included that allows the Attorney General to grant a waiver to these reform measures in certain cases.

In addition to bringing a halt to unfair business practices with the private sector, this bill allows for FPI to search for other means to keep prisoners working that do not impact the

employment of individuals in the private sector. There is a need to keep inmates busy, and this legislation addresses further work opportunities though public service activities and cooperation with charitable organizations. Additionally, the bill recognizes the need for further avenues of rehabilitation and directs the Federal Bureau of Prisons to establish an Enhanced In-Prison Educational and Vocational Assessment and Training Program for inmates.

I am confident that by allowing competition for government contracts our bill will save taxpayer dollars. Through healthy competition with the private sector for procurement contracts, FPI will be forced to look internally for ways to improve its own effectiveness and efficiency. The reform of Federal Prison Industries will bring about numerous improvements, not just in cost savings, but also in preserving jobs for law abiding Americans in the private sector who work in small businesses. And the most important effect will be the better use of tax dollars. The American taxpayer is the one who will benefit most from this legislation.

A similar version of our bill was reported favorably out of the Senate Governmental Affairs Committee in the 108th Congress, and reform measures have passed overwhelming in the House of Representatives. Our bill has the support of small business groups from across the country, as well as organized labor. Clearly, reforming the way Federal Prison Industries does business is an issue that enjoys broad, bipartisan support. I believe this bill provides that reform. I would ask my colleagues to look at this legislation and consider giving it their support.

By Mr. KYL:

S. 750. A bill to amend the Internal Revenue Code of 1986 to allow look-through treatment of payments between related foreign corporations; to the Committee on Finance.

Mr. KYL. Mr. President, the 108th Congress began the necessary process, as part of the American Jobs Creation Act, of rationalizing the way the United States taxes the foreign income of U.S.-based companies, thereby helping U.S. employers to be more competitive in international markets. There was one provision, however, that passed both the Senate and the House but that was dropped out of the conference report at the eleventh hour for reasons that were unrelated to the merits of the provision. That provision extended the general rule of tax deferral to dividends, interest, rents and royalties that are paid out in the ordinary course of active business activities by one foreign affiliate of a U.S. company to another affiliate in another country. Today, I am introducing legislation to make this important change.

The United States taxes U.S. companies on their worldwide income, but the general rule is that foreign subsidiary income is not taxed by the United States until the subsidiary earnings are brought back to the U.S. parent, usually in the form of a dividend. Subpart F of the Internal Revenue Code sets forth a number of exceptions to this general rule. Subpart F imposes current tax on subsidiary earnings generally when that income is passive in nature. One such exception taxes the U.S. parent when a subsidiary receives dividends, interest, rents or royalties from another subsidiary that is located in a different country. If the two subsidiaries are in the same country, however, current taxation does not apply.

The proposal I am introducing today would extend this ''same-country'' treatment to payments between related foreign subsidiaries that are located in different countries. This proposal is identical to the one that passed the Senate last year.

Today's global economy is significantly different from the environment that existed when the subpart F rules were first introduced in 1962. As the global economy has changed, the traditional model for operating a global business has changed as well. In today's world, it makes no sense to impose a tax penalty when a company wants to fund the operations of a subsidiary in one country from the active business earnings of a subsidiary in a second country. For example, to operate efficiently, a U.S.-based manufacturer will probably establish specialized manufacturing sites, distribution hubs, and service centers. As a result, multiple related-party entities may be required to fulfill a specific customer order. U.S. tax law today inappropriately increases the cost for these foreign subsidiaries to serve their customers in a very competitive business environment by imposing current tax on these related-party payments, even though the income remains deployed in the foreign market.

Further, financial institutions have established foreign subsidiaries with headquarters in a financial center, such as London, and branches in multiple countries in the same geographic region. This permits an efficient ''hub and spoke'' form of regional operation; however, this efficient business model may make it difficult for the same country exception under current law to be met for payments of dividends and interest.

Under the existing rules, American companies are at a real and significant competitive disadvantage as compared to foreign-based companies. By creating current U.S. taxation of active business income when subsidiaries make cross-border payments, U.S.-based multinationals are penalized for responding to market or investment opportunities by redeploying active foreign earnings among foreign businesses conducted through multiple subsidiaries. To remove this impediment, subpart F should be amended to provide a general exception for interaffiliate payments of dividends, interest, rents or royalties that are generated from an active business.

The right answer is to apply ''look-through'' treatment to payments of dividends, interest, rents and royalties between subsidiaries. If the underlying earnings would not have been subject to subpart F, the payments should not be subpart F income. Look-through treatment for payments of dividends, interest, rents and royalties should be permitted as long as the payments are made out of active business, non-subpart F, income. ''Look-through'' principles are already well-developed for other purposes of the Internal Revenue Code. For example, a look-through approach to the characterization of foreign income is used for purposes of calculating foreign tax credits. A consistent application of look-through principles would simplify the interaction between subpart F and the foreign tax credit rules.

If we want to keep U.S.-based multinational companies—who employ millions of workers here at home—headquartered in the United States, we must modernize our tax rules so that our companies can be competitive around the globe I urge my colleagues to cosponsor this legislation to make a modest change in the law that will enhance the position of U.S.-based employers trying to succeed in competitive foreign markets.

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

S. 752. 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, 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. 752

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 ''OPEC Accountability Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Gasoline prices have nearly doubled since January, 2002, with oil recently trading at more than $58 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. 3. ACTIONS TO CURB CERTAIN CARTEL ANTI-COMPETITIVE PRACTICES.

(a) DEFINITIONS.—In this Act:

(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. FEINGOLD (for himself and Mr. MCCAIN):

S. 753. A bill to provide for modernization and improvement of the Corps of Engineers, and for other purposes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Corps of Engineers Modernization and Improvement Act of 2005. I am pleased to be joined by the senior Senator from Arizona, Mr. MCCAIN, who worked with me in the 107th and 108th Congresses to reform the Corps.

We cannot ignore the record-breaking deficits that the Nation faces. Fiscal responsibility has never been so important. This legislation provides Congress with a unique opportunity to underscore our commitment to that goal. Too often, some have suggested that fiscal responsibility and environmental protection are mutually exclusive. Through this legislation, however, we can save taxpayers billions of dollars and protect the environment. As evidence of this unique opportunity, this bill is supported by Taxpayers for Common Sense, the National Taxpayers Union, the National Wildlife Federation, American Rivers, the Corps Reform Network, and Earthjustice.

Reforming the Army Corps of Engineers will be a difficult task for Congress. It involves restoring credibility and accountability to a Federal agency rocked by scandals and constrained by endlessly growing authorizations and a gloomy Federal fiscal picture, and yet an agency that Wisconsin, and many other States across the country, have come to rely upon. From the Great Lakes to the mighty Mississippi, the Corps is involved in providing aid to navigation, environmental remediation, water control and a variety of other services in my state alone.

My office has strong working relationships with the Detroit, Rock Island, and St. Paul District Offices that service Wisconsin, and I want the fiscal and management cloud over the Corps to dissipate so that the Corps can continue to contribute to our environment and our economy.

This legislation evolved from my experience in seeking to offer an amendment to the Water Resources Development Act of 2000 to create independent review of Army Corps of Engineers' projects. In response to my initiative, the bill's managers, who included the former Senator from New Hampshire, Senator BOB SMITH, and the senior Senator from Montana, Mr. BAUCUS, adopted an amendment as part of their managers' package to require a National Academy of Sciences study on the issue of peer review of Corps projects.

The bill I introduce today includes many provisions that were included the bill I authored in the 108th Congress. It codifies the idea of independent review of the Corps, which was investigated through the 2000 Water Resources bill. It also provides a mechanism to speed up completion of construction for good Corps projects with large public benefits by deauthorizing low priority and economically wasteful projects.

I will note, however, that this is not the first time that the Congress has realized that the Corps needs to be reformed because of its association with pork projects. In 1836, a House Ways and Means Committee report discovered that at least 25 Corps projects were over budget. In its report, the Committee noted that Congress must ensure that the Corps institutes ''actual reform, in the further prosecution of public works.'' In 1902, Congress created a review board to determine whether Corps projects were justified. The review board was dismantled just over a decade ago, and the Corps is still linked with wasteful spending. Here we are, more than 100 years later, talking about the same issue.

The reality is that the underlying problem is not with the Corps, the problem is with Congress. All too often, Members of Congress have seen Corps projects as a way to bring home the bacon, rather than ensuring that taxpayers get the most bang for their Federal buck.

This bill puts forth bold, comprehensive reform measures. It modernizes the Corps project planning guidelines, which have not been updated since 1983. It requires the Corps to use sound science in estimating the costs and evaluating the needs for water resources projects. The bill clarifies that the national economic development and environmental protection are coequal objectives of the Corps. Furthermore, the Corps must use current discount rates when determining the costs and benefits of projects. Several Corps projects are justified using a discount rate formula established over 30 years ago, not the current government-wide discount rate promulgated by the Office of Management and Budget. By using this outdated discount rate formula, the Corps often overestimates project benefits and underestimates project costs.

This legislation also requires that a water resource project's benefits must be 1.5 times greater than the costs to the taxpayer. According to a 2002 study of the Corps backlog of projects, at least 60 Corps projects, whose combined costs total $4.6 billion, do not meet this 1.5 to 1 benefit-cost ratio. Thus, this benefit-cost ratio will save the taxpayer billions of dollars. The bill also mandates federal-local cost sharing of flood control projects and reduces the federal cost burden of these projects.

While the bill assumes a flat 50 percent cost-share for flood control projects, my home state of Wisconsin has been on the forefront of responsible flood plain management and also happens to be home to the Association of State Flood Plain Managers. As Congress considers the issue of Corps reform and the Water Resources Development Act, I hope my colleagues will take a closer look at the issue of a sliding cost scale. We should explore the possibility of creating incentives for communities with cutting-edge flood plain management practices to reduce their local share for projects.

The bill requires independent review of Corps projects. The National Academy of Sciences, the General Accounting Office, and even the Inspector General of the Army agree that independent review is an essential step to assuring that each Corps project is economically justified. Independent review will apply to projects in the following circumstances: 1. the project

has costs greater than $25 million, including mitigation costs; 2. the Governor of a state that is affected by the project requests a panel; 3. the head of a federal agency charged with reviewing the project determines that the project is likely to have a significant adverse environmental or cultural impact; or 4. the Secretary of the Army determines that the project is controversial. Any party can request that the Secretary make a determination of whether the project is controversial.

This bill also creates a Director of Independent Review within the Office of the Inspector General of the Department of the Army. The Director is responsible for empaneling experts to review projects. The Secretary is required to respond to the panel's report and explain the extent to which a final report addresses the panel's concerns. The panel report and the underlying data that the Corps uses to justify the project will be made available to the public.

The bill also requires strong environmental protection measures. The Corps is required to mitigate the environmental impacts of its projects in a variety of ways, including by avoiding damaging wetlands in the first place and either holding other lands or constructing wetlands elsewhere when it cannot avoid destroying them. The Corps requires private developers to meet this standard when they construct projects as a condition of receiving a Federal permit, and I think the Federal Government should live up to the same standards. Too often, the Corps does not complete required mitigation and enhances environmental risks.

I feel very strongly that mitigation must be completed, that the true costs of mitigation should be accounted for in Corps projects, and that the public should be able to track the progress of mitigation projects. The bill requires the Corps to develop a detailed mitigation plan for each water resources project, and conduct monitoring to demonstrate that the mitigation is working. In addition, the concurrent mitigation requirements of this bill would actually reduce the total mitigation costs by ensuring the purchase of mitigation lands as soon as possible.

This bill streamlines the existing automatic deauthorization process. Estimates of the project backlog runs from $58 billion to $41 billion. The bill requires the Corps to conduct a fiscal transparency report to review and report on the current backlog of Corps projects. Under current law, a project will be deauthorized anywhere from 7.5 to 11.5 years after authorization for construction if it receives no funding, and any type of funding will keep the project alive. This bill reduces the amount of time until automatic deauthorization based on funding to between 7.5 to 6.5 years. After 4 years of receiving no construction funding, a project goes on the Fiscal Transparency Report list. To keep one of those projects alive, Federal funds must be obligated for construction within 30 months of submission of the Fiscal Transparency Report. If no funds are obligated during that time, the project is deauthorized.

This legislation will bring out comprehensive revision of the project review and authorization procedures at the Army Corps of Engineers. My goals for the Corps are to increase transparency and accountability, to ensure fiscal responsibility, and to allow greater stakeholder involvement in their projects. I remain committed to these goals, and to seeing Corps Reform enacted as part of this Congress's Water Resources bill.

I feel that this bill is an important step down the road to a reformed Corps of Engineers. This bill establishes a framework to catch mistakes by Corps planners, deter any potential bad behavior by Corps officials to justify questionable projects, end old unjustified projects, and provide planners desperately needed support against the never-ending pressure of project boosters. Those boosters include congressional interests, which is why I believe that this body needs to champion reform—to end the perception that Corps projects are all pork and no substance.

I wish it were the case that the changes we are proposing today were not needed, but unfortunately, there is still need for this bill. I want to make sure that future Corps projects no longer fail to produce predicted benefits, stop costing the taxpayers more than the Corps estimated, do not have unanticipated environmental impacts, and are built in an environmentally compatible way. This bill will help the Corps do a better job, which is what the taxpayers and the environment deserve.

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. 753

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 ''Corps of Engineers Modernization and Improvement Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—MODERNIZING PROJECT PLANNING

Sec. 101. Modern planning principles.
Sec. 102. Independent review.
Sec. 103. Benefit-cost analysis.
Sec. 104. Benefit-cost ratio.
Sec. 105. Cost sharing.

TITLE II—MITIGATION

Sec. 201. Full mitigation.
Sec. 202. Concurrent mitigation.
Sec. 203. Mitigation tracking system.

TITLE III—IMPROVING ACCOUNTABILITY

Sec. 301. Fiscal Transparency Report.
Sec. 302. Project deauthorizations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Corps of Engineers is the primary Federal agency responsible for developing and managing the harbors, waterways, shorelines, and water resources of the United States;

(2) the scarcity of Federal resources requires more efficient use of Corps resources and funding, and greater oversight of Corps analyses;

(3) appropriate cost sharing ensures efficient measures of project demands and enables the Corps to meet more national project needs;

(4) the significant demand for recreation, clean water, and healthy wildlife habitat must be fully reflected in the project planning and construction process of the Corps;

(5) the human health, environmental, and social impacts of dams, levees, shoreline stabilization structures, river training structures, river dredging, and other Corps projects and activities must be adequately considered and, in any case in which adverse impacts cannot be avoided, fully mitigated;

(6) the National Academy of Sciences has concluded that the Principles and Guidelines for water resources projects need to be modernized and updated to reflect current economic practices and environmental laws and planning guidelines; and

(7) affected interests must have access to information that will allow those interests to play a larger and more effective role in the oversight of Corps project development and mitigation.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that the water resources investments of the United States are economically justified and enhance the environment;

(2) to provide independent review of feasibility studies, general reevaluation studies, and environmental impact statements of the Corps;

(3) to ensure timely, ecologically successful, and cost-effective mitigation for Corps projects;

(4) to ensure appropriate local cost sharing to assist in efficient project planning focused on national needs;

(5) to enhance the involvement of affected interests in feasibility studies, general reevaluation studies, and environmental impact statements of the Corps;

(6) to modernize planning principles of the Corps to meet the economic and environmental needs of riverside and coastal communities and the nation;

(7) to ensure that environmental protection and restoration, and national economic development, are co-equal goals, and given co-equal emphasis, during the evaluation, planning, and construction of Corps projects;

(8) to ensure that project planning, project evaluations, and project recommendations of the Corps are based on sound science and economics and on a full evaluation of the impacts to the health of aquatic ecosystems; and

(9) to ensure that the determination of benefits and costs of Corps projects properly reflects current law and Federal policies designed to protect human health and the environment.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(2) CORPS.—The term ''Corps'' means the Corps of Engineers.

(3) PRINCIPLES AND GUIDELINES.—The term ''Principles and Guidelines'' means the principles and guidelines of the Corps for water resources projects (consisting of Engineer Regulation 1105–2–100 and Engineer Pamphlet 1165–2–1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

TITLE I—MODERNIZING PROJECT PLANNING

SEC. 101. MODERN PLANNING PRINCIPLES.

(a) PLANNING PRINCIPLES.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) is amended to read as follows:

''SEC. 209. CONGRESSIONAL STATEMENT OF OBJECTIVES.

''(a) IN GENERAL.—It is the intent of Congress that—

''(1) national economic development and environmental protection and restoration are co-equal objectives of water resources project planning and management; and

''(2) Federal agencies manage and, if clearly justified, construct water resource projects—

''(A) to meet national economic needs; and

''(B) to protect and restore the environment.

''(b) REVISION OF PLANNING GUIDELINES, REGULATIONS AND CIRCULARS.—Not later than 18 months after the date of enactment of the Corps of Engineers Modernization and Improvement Act of 2005, the Secretary, in collaboration with the National Academy of Sciences, shall develop proposed revisions of, and revise, the planning guidelines, regulations, and circulars of the Corps.

''(c) ADDITIONAL REQUIREMENTS.—Corps planning regulations revised under subsection (b) shall—

''(1) incorporate new and existing analytical techniques that reflect the probability of project benefits and costs;

''(2) apply discount rates provided by the Office of Management and Budget;

''(3) eliminate biases and disincentives that discourage the use of nonstructural approaches to water resources development and management;

''(4) encourage, to the maximum extent practicable, the restoration of ecosystems through the restoration of hydrologic and geomorphic processes;

''(5) consider the costs and benefits of protecting or degrading natural systems;

''(6) ensure that projects are justified by benefits that accrue to the public at large;

''(7) ensure that benefit-cost calculations reflect a credible schedule for project construction;

''(8) ensure that each project increment complies with section 104;

''(9) include as a cost any increase in direct Federal payments or subsidies and exclude as a benefit any increase in direct Federal payments or subsidies; and

''(10) provide a mechanism by which, at least once every 5 years, the Secretary shall collaborate with the National Academy of Sciences to review, and if necessary, revise all planning regulations, guidelines, and circulars.

''(d) NATIONAL NAVIGATION AND PORT PLAN.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Corps of Engineers Modernization and Improvement Act of 2005, the Corps shall develop, and update not less frequently than every 4 years, an integrated, national plan to manage, rehabilitate and, if justified, modernize inland waterway and port infrastructure to meet current national economic and environmental needs.

''(2) TOOLS.—To develop the plan, the Corps shall employ economic tools that—

''(A) recognize the importance of alternative transportation destinations and modes; and

''(B) employ practicable, cost-effective congestion management alternatives before constructing and expanding infrastructure to increase waterway and port capacity.

''(3) BENEFITS AND PROXIMITY.—The Corps shall give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, rail and other transportation infrastructure in determining whether to construct new water resources projects.

''(e) NOTICE AND COMMENT.—The Secretary shall comply with the notice and comment provisions of chapter 551 of title 5, United States Code, in issuing revised planning regulations, guidelines and circulars.

''(f) APPLICABILITY.—On completion of the revisions required under this section, the Secretary shall apply the revised regulations to projects for which a draft feasibility study or draft reevaluation report has not yet been issued.

''(g) PROJECT REFORMULATION.—Projects of the Corps, and separable elements of projects of the Corps, that have been authorized for 10 years, but for which less than 15 percent of appropriations specifically identified for construction have been obligated, shall not be constructed unless a general reevaluation study demonstrates that the project or separable element meets—

''(1) all project criteria and requirements applicable at the time the study is initiated, including requirements under this section; and

''(2) cost share and mitigation requirements of this Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) is repealed.

(2) Section 7(a) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 941) is repealed.

SEC. 102. INDEPENDENT REVIEW.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term ''affected State'', with respect to a water resources project, means a State or portion of a State that—

(A) is located, at least partially, within the drainage basin in which the project is carried out; and

(B) would be economically or environmentally affected as a result of the project.

(2) DIRECTOR.—The term ''Director'' means the Director of Independent Review appointed under subsection (c)(1).

(b) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—

(1) IN GENERAL.—The Secretary shall ensure that each feasibility report, general reevaluation report, and environmental impact statement for each water resources project described in paragraph (2) is subject to review by an independent panel of experts established under this section.

(2) PROJECTS SUBJECT TO REVIEW.—A water resources project shall be subject to review under paragraph (1) if—

(A) the project has an estimated total cost of more than $25,000,000, including mitigation costs;

(B) the Governor of an affected State requests the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency; or

(D) the Secretary determines under paragraph (3) that the project is controversial.

(3) CONTROVERSIAL PROJECTS.—

(A) IN GENERAL.—The Secretary shall determine that a water resources project is controversial for the purpose of paragraph (2)(D) if the Secretary finds that—

(i) there is a significant dispute as to the size, nature, or effects of the project;

(ii) there is a significant dispute as to the economic or environmental costs or benefits of the project; or

(iii) there is a significant dispute as to the benefits to the communities affected by the project of a project alternative that—

(I) was not the focus of the feasibility report, general reevaluation report, or environmental impact statement for the project; or

(II) was not considered in the feasibility report, general reevaluation report, or environmental impact statement for the project.

(B) WRITTEN REQUESTS.—Not later than 30 days after the date on which the Secretary receives a written request of any party, or on the initiative of the Secretary, the Secretary shall determine whether a project is controversial.

(c) DIRECTOR OF INDEPENDENT REVIEW.—

(1) APPOINTMENT.—The Inspector General of the Army shall appoint in the Office of the Inspector General of the Army a Director of Independent Review.

(2) QUALIFICATIONS.—The Inspector General of the Army shall select the Director from among individuals who are distinguished experts in biology, hydrology, engineering, economics, or another discipline relating to water resources management.

(3) LIMITATION ON APPOINTMENTS.—The Inspector General of the Army shall not appoint an individual to serve as the Director if the individual has a financial interest in or close professional association with any entity with a financial interest in a water resources project that, on the date of appointment of the Director, is—

(A) under construction;

(B) in the preconstruction engineering and design phase; or

(C) under feasibility or reconnaissance study by the Corps.

(4) TERMS.—

(A) IN GENERAL.—The term of a Director appointed under this subsection shall be 6 years.

(B) TERM LIMIT.—An individual may serve as the Director for not more than 2 nonconsecutive terms.

(5) DUTIES.—The Director shall establish a panel of experts to review each water resources project that is subject to review under subsection (b).

(d) ESTABLISHMENT OF PANELS.—

(1) IN GENERAL.—After the Secretary selects a preferred alternative for a water resources project subject to review under subsection (b) in a formal draft feasibility report, draft general reevaluation report, or draft environmental impact statement, the Director shall establish a panel of experts to review the project.

(2) MEMBERSHIP.—A panel of experts established by the Director for a project shall be composed of not less than 5 nor more than 9 independent experts (including 1 or more biologists, hydrologists, engineers, and economists) who represent a range of areas of expertise.

(3) LIMITATION ON APPOINTMENTS.—The Director shall not appoint an individual to serve on a panel of experts for a project if the individual has a financial interest in or close professional association with any entity with a financial interest in the project.

(4) CONSULTATION.—The Director shall consult with the Academy in developing lists of individuals to serve on panels of experts under this section.

(5) NOTIFICATION.—

(A) IN GENERAL.—To ensure that the Director is able to effectively carry out the duties of the Director under this section, the Secretary shall notify the Director in writing not later than 90 days before the release of a draft feasibility report, draft general reevaluation report, or draft environmental

impact statement, for every water resources project.

(B) CONTENTS.—The notification shall include—

(i) the estimated cost of the project; and

(ii) a preliminary assessment of whether a panel of experts may be required.

(6) COMPENSATION.—An individual serving on a panel of experts under this section shall be compensated at a rate of pay to be determined by the Inspector General of the Army.

(7) TRAVEL EXPENSES.—A member of a panel of experts under this section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the panel.

(e) DUTIES OF PANELS.—

(1) IN GENERAL.—A panel of experts established for a water resources project under this section shall—

(A) review each draft feasibility report, draft general reevaluation report, and draft environmental impact statement prepared for the project;

(B) assess the adequacy of the economic, scientific, and environmental models used by the Secretary in reviewing the project to ensure that—

(i) the best available economic and scientific methods of analysis have been used;

(ii) the best available economic, scientific, and environmental data have been used; and

(iii) any regional effects on navigation systems have been examined;

(C) receive from the public written and oral comments concerning the project;

(D) not later than the deadline established under subsection (f), submit to the Secretary a report concerning the economic, engineering, and environmental analyses of the project, including the conclusions of the panel, with particular emphasis on areas of public controversy, with respect to the feasibility report, general reevaluation report, or environmental impact statement; and

(E) not later than 30 days after the date of issuance of a final feasibility report, final general reevaluation report, or final environmental impact statement, submit to the Secretary a brief report stating the views of the panel on the extent to which the final analysis adequately addresses issues or concerns raised by each earlier evaluation by the panel.

(2) EXTENSIONS.—

(A) IN GENERAL.—The panel may request from the Director a 30-day extension of the deadline established under paragraph (1)(E).

(B) RECORD OF DECISION.—The Secretary shall not issue a record of decision until after, at the earliest—

(i) the final day of the 30-day period described in paragraph (1)(E); or

(ii) if the Director grants an extension under subparagraph (A), the final day of the 60-day period beginning on the date of issuance of a final feasibility report described in paragraph (1)(E) and ending on the final day of the extension granted under subparagraph (A).

(f) DURATION OF PROJECT REVIEWS.—

(1) DEADLINE.—Except as provided in paragraph (2), not later than 180 days after the date of establishment of a panel of experts for a water resources project under this section, the panel shall complete—

(A) each required review of the project; and

(B) all other duties of the panel relating to the project (other than the duties described in subsection (e)(1)(E)).

(2) EXTENSION OF DEADLINE FOR REPORT ON PROJECT REVIEWS.—Not later than 240 days after the date of issuance of a draft feasibility report, draft general reevaluation report, or draft environmental impact statement for a project, if a panel of experts submits to the Director before the end of the 180-day period described in paragraph (1), and the Director approves, a request for a 60-day extension of the deadline established under that paragraph, the panel of experts shall submit to the Secretary a report required under subsection (e)(1)(D).

(g) RECOMMENDATIONS OF PANEL.—

(1) CONSIDERATION BY SECRETARY.—

(A) IN GENERAL.—If the Secretary receives a report on a water resources project from a panel of experts under this section by the applicable deadline under subsection (e)(1)(E) or (f), the Secretary shall, at least 14 days before entering a final record of decision for the water resources project—

(i) take into consideration any recommendations contained in the report; and

(ii) prepare a written explanation for any recommendations not adopted.

(B) INCONSISTENT RECOMMENDATIONS AND FINDINGS.—Recommendations and findings of the Secretary that are inconsistent with the recommendations and findings of a panel of experts under this section shall not be entitled to deference in a judicial proceeding.

(2) PUBLIC REVIEW; SUBMISSION TO CONGRESS.—After receiving a report on a water resources project from a panel of experts under this section (including a report under subsection (e)(1)(E)), the Secretary shall—

(A) immediately make a copy of the report (and, in a case in which any written explanation of the Secretary on recommendations contained in the report is completed, shall immediately make a copy of the response) available for public review; and

(B) include a copy of the report (and any written explanation of the Secretary) in any report submitted to Congress concerning the project.

(h) PUBLIC ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall ensure that information relating to the analysis of any water resources project by the Corps, including all supporting data, analytical documents, and information that the Corps has considered in the analysis, is made available—

(A) to any individual upon request;

(B) to the public on the Internet; and

(C) to an independent review panel, if such a panel is established for the project.

(2) TYPES OF INFORMATION.—Information concerning a project that is available under paragraph (1) shall include—

(A) any information that has been made available to the non-Federal interests with respect to the project; and

(B) all data and information used by the Corps in the justification and analysis of the project.

(3) EXCEPTION FOR TRADE SECRETS.—

(A) IN GENERAL.—The Secretary shall not make information available under paragraph (1) that the Secretary determines to be a trade secret of any person that provided the information to the Corps.

(B) CRITERIA FOR TRADE SECRETS.—The Secretary shall consider information to be a trade secret only if—

(i) the person that provided the information to the Corps—

(I) has not disclosed the information to any person other than—

(aa) an officer or employee of the United States or a State or local government;

(bb) an employee of the person that provided the information to the Corps; or

(cc) a person that is bound by a confidentiality agreement; and

(II) has taken reasonable measures to protect the confidentiality of the information and intends to continue to take the measures;

(ii) the information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law; and

(iii) disclosure of the information is likely to cause substantial harm to the competitive position of the person that provided the information to the Corps.

(i) COSTS.—

(1) LIMITATION ON COST OF REVIEW.—The cost of conducting a review of a water resources project under this section shall not exceed—

(A) $250,000 for a project, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) TREATMENT.—The cost of conducting a review of a project under this section shall be considered to be part of the total cost of the project.

(3) COST SHARING.—A review of a project under this section shall be subject to section 105(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)).

(4) WAIVER OF LIMITATION.—The Secretary may waive a limitation under paragraph (1) if the Secretary determines that the waiver is appropriate.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a panel of experts established under this section.

SEC. 103. BENEFIT-COST ANALYSIS.

Section 308(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(a)) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting a semi-colon; and

(3) by adding at the end the following:

''(3) any projected benefit attributable to any change in, or intensification of, land use arising from the draining, reduction, or elimination of wetlands; and

''(4) any projected benefit attributable to an increase in direct Federal payments or subsidies.''.

SEC. 104. BENEFIT-COST RATIO.

(a) RECOMMENDATION OF PROJECTS.—Beginning in fiscal year 2006, in the case of a water resources project that is subject to a benefit-cost analysis, the Secretary may recommend the project for authorization by Congress, and may choose the project as a recommended alternative in any record of decision or environmental impact statement, only if the project, in addition to meeting any other criteria required by law, has projected national benefits that are at least 1.5 times as great as the estimated total costs of the project, based on current discount rates provided by the Office of Management and Budget.

(b) DEAUTHORIZATION OF PROJECTS.—

(1) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report identifying each water resources project (or separable element of such a project) that is subject to a benefit-cost analysis and authorized for construction, the projected remaining benefits of which are less than 1.5 times as great as the remaining projected costs.

(2) DEAUTHORIZATIONS.—

(A) IN GENERAL.—Effective beginning on the date that is 3 years after the date of submission of the report under paragraph (1), any project identified in the report shall be deauthorized unless the project was reauthorized by Congress during the preceding 3 years.

(B) CONSTRUCTION IN PROGRESS.—If construction (other than preconstruction engineering or design) began on or before the date of enactment of this Act for a project that is deauthorized under subparagraph (A), the Secretary may take such actions with respect to the project as the Secretary determines to be necessary to protect public health and safety and the environment.

(c) PUBLIC NOTIFICATION.—The Secretary shall—

(1) publish in the Federal Register the report under subsection (b)(1); and

(2) make the report available to the public on the Internet.

(d) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish in the Federal Register a list of all projects deauthorized under this section.

SEC. 105. COST SHARING.

(a) OPERATIONS AND MAINTENANCE OF INLAND WATERWAYS.—Section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212) is amended by striking subsections (b) and (c) and inserting the following:

''(b) OPERATION AND MAINTENANCE.—

''(1) FEDERAL SHARE.—The Federal share of the cost of operation and maintenance shall be 100 percent in the case of—

''(A) a project described in paragraph (1) or (2) of subsection (a); or

''(B) the portion of the project authorized by section 844 that is allocated to inland navigation.

''(2) SOURCE OF FEDERAL SHARE.—

''(A) FROM THE GENERAL FUND.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is less than or equal to 2 cents per ton mile, or in the case of the portion of the project authorized by section 844 that is allocated to inland navigation, the Federal share under paragraph (1) shall be paid only from amounts appropriated from the general fund of the Treasury.

''(B) FROM THE GENERAL FUND AND INLAND WATERWAYS TRUST FUND.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 2 but less than or equal to 10 cents per ton mile—

''(i) 75 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the general fund of the Treasury; and

''(ii) 25 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.

''(C) FROM THE INLAND WATERWAYS TRUST FUND.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 10 cents per ton mile but less than 30 cents per ton mile, 100 percent of the Federal share under paragraph (1) shall be paid only from amounts appropriated from the Inland Waterways Trust Fund.

''(D) NON-FEDERAL RESPONSIBILITY.—In the case of a project described in paragraph (1) or (2) of subsection (a) with respect to which the cost of operation and maintenance is greater than 30 cents per ton-mile, the cost of operations and maintenance shall be a non-Federal responsibility.''.

(b) FLOOD DAMAGE REDUCTION.—Section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213) is amended—

(1) in subsections (a)(2) and (b), by striking ''35'' each place it appears and inserting ''50'';

(2) in the paragraph heading of subsection (a)(2), by striking ''35 PERCENT MINIMUM''' and inserting ''MINIMUM'''; and

(3) in the paragraph heading of subsection (b), by striking ''35'' and inserting ''50''.

TITLE II—MITIGATION

SEC. 201. FULL MITIGATION.

Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PROJECTS.—

''(A) IN GENERAL.—After November 17, 1986, the Secretary shall not submit to Congress any proposal for the authorization of any water resources project, and shall not choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the report contains—

''(i) a specific plan to fully mitigate losses of aquatic and terrestrial resources and fish and wildlife created by the project; or

''(ii) a determination by the Secretary that the project will have negligible adverse impact on aquatic and terrestrial resources and fish and wildlife.

''(B) SPECIFIC REQUIREMENTS.—Specific mitigation plans shall ensure that impacts to bottomland hardwood forests and other habitat types are mitigated in kind.

''(C) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult with appropriate Federal and non-Federal agencies.''; and

(2) by adding at the end the following:

''(3) STANDARDS FOR MITIGATION.—

''(A) IN GENERAL.—To fully mitigate losses to fish and wildlife resulting from a water resources project, the Secretary shall, at a minimum—

''(i) acquire and restore 1 acre of superior or equivalent habitat of the same type to replace each acre of habitat adversely affected by the project; and

''(ii) replace the hydrologic functions and characteristics, the ecological functions and characteristics, and the spatial distribution of the habitat adversely affected by the project.

''(B) DETAILED MITIGATION PLAN.—The specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a detailed and specific plan to monitor mitigation implementation and ecological success, including the designation of the entities that will be responsible for monitoring;

''(ii) specific ecological success criteria by which the mitigation will be evaluated and determined to be successful, prepared in consultation with the United States Fish and Wildlife Service;

''(iii) a detailed description of the land and interests in land to be acquired for mitigation and the basis for a determination that land and interests are available for acquisition;

''(iv) sufficient detail regarding the chosen mitigation sites and type and amount of restoration activities to permit a thorough evaluation of the plan's likelihood of ecological success and resulting aquatic and terrestrial resource functions and habitat values; and

''(v) a contingency plan for taking corrective actions if monitoring demonstrates that mitigation efforts are not achieving ecological success as described in the ecological success criteria.

''(C) APPLICABLE LAW.—A time period for mitigation monitoring or for the implementation and monitoring of contingency plan actions shall not be subject to the deadlines described in section 202.

''(4) DETERMINATION OF MITIGATION SUCCESS.—

''(A) IN GENERAL.—Mitigation shall be considered to be successful at the time at which monitoring demonstrates that the mitigation has met the ecological success criteria established in the mitigation plan.

''(B) REQUIREMENTS FOR SUCCESS.—To ensure the success of any attempted mitigation, the Secretary shall—

''(i) consult yearly with the United States Fish and Wildlife Service on each water resources project requiring mitigation to determine whether mitigation monitoring for that project demonstrates that the project is achieving, or has achieved, ecological success;

''(ii) ensure that implementation of the mitigation contingency plan for taking corrective action begins not later than 30 days after a finding by the Secretary or the United States Fish and Wildlife Service that the original mitigation efforts likely will not result in, or have not resulted in, ecological success;

''(iii) complete implementation of the contingency plan as expeditiously as practicable; and

''(iv) ensure that monitoring of mitigation efforts, including those implemented through a mitigation contingency plan, continues until the monitoring demonstrates that the mitigation has met the ecological success criteria.

''(5) RECOMMENDATION OF PROJECTS.—The Secretary shall not recommend a water resources project alternative or choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment completed after the date of enactment of this paragraph unless the Secretary determines that the mitigation plan for the alternative will successfully mitigate the adverse impacts of the project on aquatic and terrestrial resources, hydrologic functions, and fish and wildlife.

''(6) IMPLEMENTATION OF MITIGATION BEFORE CONSTRUCTION OF NEW PROJECTS.—The Secretary shall implement all mitigation required by a record of decision for water resources projects in a particular district of the Corps before beginning physical construction of any new water resources project (or separable element of such a project) in that district.''.

SEC. 202. CONCURRENT MITIGATION.

Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended—

(1) by striking ''(a)(1) In the case'' and inserting the following:

''(a) MITIGATION.—

''(1) IN GENERAL.—In the case'';

(2) in paragraph (1), by striking ''interests—'' and all that follows through ''losses),'' and inserting the following: ''interests shall be undertaken or acquired—

''(A) before any construction of the project (other than such acquisition) commences; or

''(B) concurrently with the acquisition of land and interests in land for project purposes (other than mitigation of fish and wildlife losses);'';

(3) in paragraph (2), by striking ''(2) For the purposes'' and inserting the following:

''(2) COMMENCEMENT OF CONSTRUCTION.—For the purpose''; and

(4) by adding at the end the following:

''(3) IMPLEMENTATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to ensure concurrent mitigation, the Secretary shall implement—

''(i) 50 percent of required mitigation before beginning construction of a project; and

''(ii) the remainder of required mitigation as expeditiously as practicable, but not later than the last day of construction of the project or separable element of the project.

''(B) EXCEPTION FOR PHYSICAL IMPRACTICABILITY.—In a case in which the Secretary determines that it is physically impracticable to complete mitigation by the last day

of construction of the project or separable element of the project, the Secretary shall reserve or reprogram sufficient funds to ensure that mitigation implementation is completed as expeditiously as practicable, but in no case later than the end of the next fiscal year immediately following the last day of that construction.

''(4) USE OF FUNDS.—Funds made available for preliminary engineering and design, construction, or operations and maintenance shall be available for use in carrying out this section.''.

SEC. 203. MITIGATION TRACKING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track each water resources project constructed, operated, or maintained by the Secretary, and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(1) the quantity and type of wetland and other habitat types affected by the project, project operation, or permitted activity;

(2) the quantity and type of mitigation required for the project, project operation or permitted activity;

(3) the quantity and type of mitigation that has been completed for the project, project operation or permitted activity; and

(4) the status of monitoring for the mitigation carried out for the project, project operation or permitted activity.

(b) REQUIRED INFORMATION AND ORGANIZATION.—The recordkeeping system shall—

(1) include information on impacts and mitigation described in subsection (a) that occur after December 31, 1969; and

(2) be organized by watershed, project, permit application, and zip code.

(c) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

TITLE III—IMPROVING ACCOUNTABILITY

SEC. 301. FISCAL TRANSPARENCY REPORT.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'' includes any physical work carried out under a construction contract relating to a water resources project.

(2) PHYSICAL WORK.—The term ''physical work'' does not include any activity relating to—

(A) project planning;

(B) project engineering and design;

(C) relocation; or

(D) the acquisition of land, an easement, or a right-of-way.

(b) REPORT.—

(1) IN GENERAL.—On the third Tuesday of January of each year beginning after the date of enactment of this Act, the Chief of Engineers shall submit to the Committee of Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a fiscal transparency report describing—

(A) the expenditures of the Corps during the preceding fiscal year;

(B) the estimated expenditures of the Corps for the fiscal year during which the report is submitted; and

(C) a list of projects that the Chief of Engineers expects to complete during the fiscal year during which the report is submitted.

(2) CONTENTS.—In addition to the information described in paragraph (1), the report shall contain a detailed account of—

(A) for each general construction project that is under construction on the date of submission of the report, or for which there is a signed cost-sharing agreement, complete information regarding planning, engineering, and design of the project, including—

(i) the primary purpose of the project;

(ii) each allocation made to the project on or before the date of submission of the report;

(iii) a description of any construction carried out relating to the project;

(iv) the projected date of completion of construction of the project;

(v) the estimated annual Federal cost of completing construction of the project on or before the projected date under clause (iv); and

(vi) the date of completion of the most recent feasibility study, reevaluation report, and environmental review of the project;

(B) for each general investigation and reconnaissance and feasibility study, information including—

(i) the number of studies initiated on or before the date of submission of the report;

(ii) the number of studies in progress on the date of submission of the report;

(iii) the number of studies expected to be completed during the fiscal year; and

(iv) a list of any completed study of a project that is not authorized for construction on the date of submission of the report, and the date of completion of the study;

(C) for each inland and intracoastal waterway operated and maintained under section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804), information including—

(i) the estimated annual cost of operating and maintaining the reach of the waterway at the depth of the waterway;

(ii) the actual cost of operating and maintaining the reach of the waterway at the depth of the waterway during the previous fiscal year; and

(iii) the number of barges (including the number of loaded barges) and the total tonnage shipped over each waterway during the preceding fiscal year; and

(D) for each water resources project (or separable element of such a project) that is authorized for construction, for which Federal funds have not been obligated for construction during any of the 4 preceding fiscal years, information including—

(i) the primary purpose of the project;

(ii) the date of authorization of the project;

(iii) each allocation made to the project on or before the date of submission of the report, including the amount and type of the allocation;

(iv) the percentage of construction of the project that has been completed on the date of submission of the report;

(v) the estimated cost of completing the project, and the percentage of estimated total costs that has been obligated to the project on or before the date of submission of the report;

(vi)(I) a benefit-cost analysis of the project, expressed as a ratio using current discount rates;

(II) the estimated annual benefits and annual costs of the project; and

(III) the date on which any economic data used to justify the project was collected;

(vii) the date of completion of the most recent feasibility study, reevaluation report, and environmental review of the project; and

(viii) a brief explanation of any reason why Federal funds have not been obligated for construction of the project.

(c) CONGRESSIONAL AND PUBLIC NOTIFICATIONS.—On submission of a report under this section, the Secretary shall notify each Senator in the State of whom, and each Member of the House of Representatives in the district of whom, a project identified in the report is located.

(d) PUBLICATION.—For any report under this section, the Secretary shall—

(1) publish the report in the Federal Register; and

(2) make the report available to—

(A) any person, on receipt of a request of the person; and

(B) the public on the Internet.

SEC. 302. PROJECT DEAUTHORIZATIONS.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction' includes any physical work carried out under a construction contract relating to a water resources project.

''(2) PHYSICAL WORK.—The term 'physical work' does not include any activity relating to—

''(A) project planning;

''(B) project engineering and design;

''(C) relocation; or

''(D) the acquisition of land, an easement, or a right-of-way.

''(b) DEAUTHORIZATIONS.—

''(1) IN GENERAL.—Effective beginning on the date that is 30 months after the date of submission of a fiscal transparency report under section 301 of the Corps of Engineers Modernization and Improvement Act of 2005, each project identified under section 301(b)(2)(D) of that Act shall be deauthorized unless Federal funds were obligated for construction of the project during the preceding 30 months.

''(2) EFFECT OF PARAGRAPH.—Paragraph (1) does not apply—

''(A) in the case of a beach nourishment project, beginning on the date on which initial construction of the project is completed; or

''(B) in the case of any other project, beginning on the date on which construction of the project is completed.

''(c) FINAL DEAUTHORIZATION LIST.—The Secretary shall annually publish in the Federal Register a list of all projects deauthorized under this section.''.

By Mr. KENNEDY (for himself, Mr. SMITH, and Mr. DURBIN):

S. 754. A bill to ensure that the Federal student loans are delivered as efficiently as possible, so that there is more grant aid for students; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 754

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 ''Student Aid Reward Act of 2005''.

SEC. 2. STUDENT AID REWARD PROGRAM.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 489 the following:

''SEC. 489A. STUDENT AID REWARD PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Student Aid Reward Program to encourage institutions of higher education to participate in the student loan program under this title that is most cost-effective for taxpayers.

''(b) PROGRAM REQUIREMENTS.—In carrying out the Student Aid Reward Program, the Secretary shall—

''(1) provide to each institution of higher education participating in the student loan program under this title that is most cost-effective for taxpayers, a Student Aid Reward Payment, in an amount determined in accordance with subsection (c), to encourage

the institution to participate in that student loan program;

''(2) require each institution of higher education receiving a payment under this section to provide student loans under such student loan program for a period of 5 years after the date the first payment is made under this section;

''(3) where appropriate, require that funds paid to institutions of higher education under this section be used to award students a supplement to such students' Federal Pell Grants under subpart 1 of part A;

''(4) permit such funds to also be used to award need-based grants to lower- and middle-income graduate students; and

''(5) encourage all institutions of higher education to participate in the Student Aid Reward Program under this section.

''(c) AMOUNT.—The amount of a Student Aid Reward Payment under this section shall be not less than 50 percent of the savings to the Federal Government generated by the institution of higher education's participation in the student loan program under this title that is most cost-effective for taxpayers instead of the institution's participation in the student loan program that is not most cost-effective for taxpayers.

''(d) TRIGGER TO ENSURE COST NEUTRALITY.—

''(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (c), the Secretary shall not distribute Student Aid Reward Payments under the Student Aid Reward Program that, in the aggregate, exceed the Federal savings resulting from the implementation of the Student Aid Reward Program.

''(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine Federal savings on loans made to students at institutions of higher education that participate in the student loan program under this title that is most cost-effective for taxpayers and that, on the date of enactment of the Student Aid Reward Act of 2005, participated in the student loan program that is not most cost-effective for taxpayers, resulting from the difference of—

''(A) the Federal cost of loan volume made under the student loan program under this title that is most cost-effective for taxpayers; and

''(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under the student loan program under this title that is not most cost-effective for taxpayers.

''(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full Student Aid Reward Payments under the Student Aid Reward Program, the Secretary shall—

''(A) first make Student Aid Reward Payments to those institutions of higher education that participated in the student loan program under this title that is not most cost-effective for taxpayers on the date of enactment of the Student Aid Reward Act of 2005; and

''(B) with any remaining Federal savings after making Student Aid Reward Payments under subparagraph (A), make Student Aid Reward Payments to the institutions of higher education eligible for a Student Aid Reward Payment and not described in subparagraph (A) on a pro-rata basis.

''(4) DISTRIBUTION TO STUDENTS.—Any institution of higher education that receives a Student Aid Reward Payment under this section—

''(A) shall distribute, where appropriate, part or all of such payment among the students of such institution who are Federal Pell Grant recipients by awarding such students a supplemental grant; and

''(B) may distribute part of such payment as a supplemental grant to graduate students in financial need.

''(5) ESTIMATES, ADJUSTMENTS, AND CARRY OVER.—

''(A) ESTIMATES AND ADJUSTMENTS.—The Secretary shall make Student Aid Reward Payments to institutions of higher education on the basis of estimates, using the best data available at the beginning of an academic or fiscal year. If the Secretary determines thereafter that loan program costs for that academic or fiscal year were different than such estimate, the Secretary shall adjust by reducing or increasing subsequent Student Aid Reward Payments rewards paid to such institutions of higher education to reflect such difference.

''(B) CARRY OVER.—Any institution of higher education that receives a reduced Student Aid Reward Payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent academic or fiscal years.

''(e) DEFINITION.—In this section:

''(1) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS MOST COST-EFFECTIVE FOR TAXPAYERS.—The term 'student loan program under this title that is most cost-effective for taxpayers' means the loan program under part B or D of this title that has the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.

''(2) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS NOT MOST COST-EFFECTIVE FOR TAXPAYERS.—The term 'student loan program under this title that is not most cost-effective for taxpayers' means the loan program under part B or D of this title that does not have the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.''.

By Mr. BENNETT (for himself, Mrs. MURRAY, Mr. SHELBY, and Mr. HATCH):

S. 756. A bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus; to the Committee on Health, Education, Labor, and Pensions.

Mr. BENNETT. Mr. President, I rise today to introduce the Lupus—Research, Education, Awareness, Communication, Health Care—or REACH Amendments of 2005. This bill will strengthen the Nation's research efforts to identify the causes and cure of lupus, improve lupus data collection and epidemiology, and enhance public and health professional awareness and understanding of lupus—one of the Nation's most devastating, yet least understood autoimmune diseases. It has been almost 40 years since the FDA has approved a drug specifically to treat lupus.

Lupus is a life-threatening, life diminishing autoimmune disease that can cause inflammation and tissue damage to virtually any organ system in the body, including the skin, joints, other connective tissue, blood and blood vessels, heart, lungs, kidney, and brain. It affects women nine times more often than men and 80 percent of newly diagnosed cases of lupus develop among women of child-bearing age.

This disease is not well known or well understood despite the fact that according to the Lupus Foundation of America at least 1.5 to 2 million Americans live with some form of lupus. Many are either misdiagnosed or not diagnosed at all. As the prototypical autoimmune disease, discoveries on lupus may apply to more than 20 other autoimmune diseases.

Of serious concern is that this disease disproportionately affects women of color—it is two to three times more common among African-Americans, Hispanics, Asians and Native Americans—a health disparity that remains unexplained. According to the Centers for Disease Control and Prevention the rate of lupus mortality has increased since the late 1970s and is higher among older African-American women. Comprehensive and definitive epidemiologic studies will help improve our understanding of these health disparities and move us toward closing the gaps.

The symptoms of lupus make diagnosis difficult because they are sporadic and imitate the symptoms of many other illnesses. If diagnosed promptly and properly treated, the majority of lupus cases can be controlled. Unfortunately, because of the dearth of medical research on lupus and the length of time it takes to make a diagnosis, many lupus patients suffer debilitating pain and fatigue. The resulting effects make it difficult, if not impossible, for these individuals to carry on normal everyday activities, including work. Thousands of these debilitating cases needlessly end in death each year. Our Nation must do more to ensure that health professionals are aware of its signs and symptoms so that people with lupus can receive the prompt, appropriate care they need and deserve.

The Lupus REACH Amendments of 2005 seek to expand biomedical research and strengthen lupus epidemiology. This bill authorizes a study and report by the Institute of Medicine, IOM, evaluating various Federal and State activities and research. This legislation will raise public awareness of lupus and improve health professional education. It aims to promote increased awareness of early intervention and treatment, direct communication and education efforts, and target at-risk women and health professionals to help them quickly achieve a correct diagnosis of lupus.

I would urge all my colleagues, to join me in sponsoring this legislation to increase research, education, and awareness of lupus.

By Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. DURBIN, and Mr. SMITH):

S. 759. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on the Judiciary.

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

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

S. 759

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 ''Make College Affordable Act of 2005''.

SEC. 2. EXPANSION OF DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) AMOUNT OF DEDUCTION.—Subsection (b) of section 222 of the Internal Revenue Code of 1986 (relating to deduction for qualified tuition and related expenses) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATIONS.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

''(B) APPLICABLE DOLLAR LIMIT.—The applicable dollar limit for any taxable year shall be determined as follows:

''Taxable year:	**Applicable dollar amount:**
2005	$8,000
2006 and thereafter	$12,000.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $65,000 ($130,000 in the case of a joint return), bears to

''(ii) $15,000 ($30,000 in the case of a joint return).

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

''(i) without regard to this section and sections 199, 911, 931, and 933, and

''(ii) after the application of sections 86, 135, 137, 219, 221, and 469.

For purposes of the sections referred to in clause (ii), adjusted gross income shall be determined without regard to the deduction allowed under this section.

''(D) INFLATION ADJUSTMENTS.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2005, both of the dollar amounts in subparagraph (B)(i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.''.

(b) QUALIFIED TUITION AND RELATED EXPENSES OF ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Section 222(a) of the Internal Revenue Code of 1986 (relating to allowance of deduction) is amended by inserting ''of eligible students'' after ''expenses''.

(2) DEFINITION OF ELIGIBLE STUDENT.—Section 222(d) of such Code (relating to definitions and special rules) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) ELIGIBLE STUDENT.—The term 'eligible student' has the meaning given such term by section 25A(b)(3).''.

(c) DEDUCTION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 431 of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2004.

SEC. 3. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. INTEREST ON HIGHER EDUCATION LOANS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000 ($40,000 in the case of a joint return).

''(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 199, 222, 911, 931, and 933.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2005, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2004' for '1992'.

''(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

''(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

''(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(d)(1).

''(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

''(f) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Interest on higher education loans.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25C(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2004.

Mr. INOUYE (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. DEWINE, and Mr. CONRAD):

S. 760. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I introduce ''The Wakefield Act,'' also known as the ''Emergency Medical Services for Children Act of 2005'' along with my colleagues Mr. HATCH, Mr. KENNEDY, Mr. DODD, Mr. DEWINE, and Mr. CONRAD. Since Senator HATCH and I worked toward authorization of EMSC in 1984, this program has been the driving force toward improving a wide range of children's emergency services. From specialized training for emergency care providers to ensuring ambulances and emergency departments have state-of-the-art pediatric-sized equipment, EMSC has provided the vehicle for improving survival of our smallest citizens when accidents or medical emergencies threatened their lives.

It remains no secret that children present unique anatomic, physiologic, emotional and developmental challenges to our primarily adult-oriented emergency medical system. As has been said many times before, children are not little adults. Evaluation and treatment must take into account their special needs, or we risk letting them fall through the gap between

adult and pediatric care. EMSC has bridged that gap while fostering collaborative relationships among emergency medical technicians, paramedics, nurses, emergency physicians, surgeons, and pediatricians.

Yet, with the increasing number of children with special healthcare needs, the looming prospect of bioterrorism and the increasing importance of disaster preparedness, gaps still remain in our emergency healthcare delivery system for children. Re-authorization of EMSC will ensure children's needs are given the attention and priority necessary to coordinate and expand services for victims of life-threatening illnesses and injuries.

I join the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Surgeons, and thirty other supporting healthcare organizations in celebrating the 20th anniversary of the EMSC program. EMSC remains the only Federal program dedicated to examining the best ways to deliver various forms of care to children in emergency settings. I look forward to re-authorization of this important legislation and the continued advances in our emergency healthcare delivery system.

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

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

S. 760

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 ''Wakefield Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 31,000,000 child and adolescent visits to the nation's emergency departments every year, with children under the age of 3 years accounting for most of these visits.

(2) Ninety percent of children requiring emergency care are seen in general hospitals, not in free-standing children's hospitals, with one-quarter to one-third of the patients being children in the typical general hospital emergency department.

(3) Severe asthma and respiratory distress are the most common emergencies for pediatric patients, representing nearly one-third of all hospitalizations among children under the age of 15 years, while seizures, shock, and airway obstruction are other common pediatric emergencies, followed by cardiac arrest and severe trauma.

(4) Up to 20 percent of children needing emergency care have underlying medical conditions such as asthma, diabetes, sickle-cell disease, low birthweight, and bronchopulmonary dysplasia.

(5) Significant gaps remain in emergency medical care delivered to children, with 43 percent of hospitals lacking cervical collars (used to stabilize spinal injuries) for infants, less than half (47 percent) of hospitals with no pediatric intensive care unit having a written transfer agreement with a hospital that does have such a unit, one-third of States lacking a physician available on-call 24 hours a day to provide medical direction to emergency medical technicians or other non-physician emergency care providers, and even those States with such availability lacking full State coverage.

(6) Providers must be educated and trained to manage children's unique physical and psychological needs in emergency situations, and emergency systems must be equipped with the resources needed to care for this especially vulnerable population.

(7) The Emergency Medical Services for Children (EMSC) Program under section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is the only Federal program that focuses specifically on improving the pediatric components of emergency medical care.

(8) The EMSC Program promotes the nationwide exchange of pediatric emergency medical care knowledge and collaboration by those with an interest in such care and is depended upon by Federal agencies and national organizations to ensure that this exchange of knowledge and collaboration takes place.

(9) The EMSC Program also supports a multi-institutional network for research in pediatric emergency medicine, thus allowing providers to rely on evidence rather than anecdotal experience when treating ill or injured children.

(10) States are better equipped to handle occurrences of critical or traumatic injury due to advances fostered by the EMSC program, with—

(A) forty-eight States identifying and requiring all EMSC-recommended pediatric equipment on Advanced Life Support ambulances;

(B) forty-four States employing pediatric protocols for medical direction;

(C) forty-one States utilizing pediatric guidelines for acute care facility identification, ensuring that children get to the right hospital in a timely manner; and

(D) thirty-six of the forty-two States having statewide computerized data collection systems now producing reports on pediatric emergency medical services using statewide data.

(11) Systems of care must be continually maintained, updated, and improved to ensure that research is translated into practice, best practices are adopted, training is current, and standards and protocols are appropriate.

(12) Now celebrating its twentieth anniversary, the EMSC Program has proven effective over two decades in driving key improvements in emergency medical services to children, and should continue its mission to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical and emergency surgical care children receive.

(b) PURPOSE.—It is the purpose of this Act to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive.

SEC. 3. REAUTHORIZATION OF EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is amended—

(1) in subsection (a), by striking ''3-year period (with an optional 4th year'' and inserting ''4-year period (with an optional 5th year'';

(2) in subsection (d)—

(A) by striking ''and such sums'' and inserting ''such sums''; and

(B) by inserting before the period the following: ''$23,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010'';

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

''(b)(1) The purpose of the program established under this section is to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive, through the promotion of projects focused on the expansion and improvement of such services, including those in rural areas and those for children with special healthcare needs. In carrying out this purpose, the Secretary shall support emergency medical services for children by supporting projects that—

''(A) develop and present scientific evidence;

''(B) promote existing and innovative technologies appropriate for the care of children: or

''(C) provide information on health outcomes and effectiveness and cost-effectiveness.

''(2) The program established under this section shall—

''(A) strive to enhance the pediatric capability of emergency medical service systems originally designed primarily for adults; and

''(B) in order to avoid duplication and ensure that Federal resources are used efficiently and effectively, be coordinated with all research, evaluations, and awards related to emergency medical services for children undertaken and supported by the Federal Government.''.

Mr. HATCH. Mr. President, I am pleased to join Senator INOUYE in introducing ''The Wakefield Act'', which reauthorizes the Emergency Medical Services for Children (EMSC) program. It has been 20 years since Senator INOUYE and I first worked for passage of the original bill authorizing the EMSC program. We embarked upon this partnership after realizing that there was a critical gap in our Nation's ability to provide emergency medical services for the most precious segment of our population: our children.

Since the Emergency Medical Services for Children Act was first passed, its programs have spread across the nation, enhancing the care received in the more than 31 million visits made by children and adolescents to our nation's emergency departments every year. In part due to this program, the pediatric death rate from injuries has fallen 40 percent over the last 20 years. Imagine that—40 percent! In that light, it is extremely disappointing that President Bush would recommend eliminating funding for this very important program.

More than 30 groups have endorsed this legislation, including the American Academy of Pediatrics, American College of Emergency Physicians, American College of Surgeons, Brain Injury Association of America, Emergency Nurses Association, Family Violence Prevention Fund, National Association of Children's Hospitals, National Association of Emergency Medical Technicians, Rural Metro Corporation, Society for Pediatric Research, and the Society of Critical Care Medicine.

While much has been accomplished, more remains to be done. Children's physiology and response to illness and injury differ significantly from those of

adults, necessitating specialized training to recognize and treat these patients properly. Ninety percent of the children who require emergency care receive it in general hospitals, not in free-standing specialty children's hospitals. Of those hospitals that lack pediatric intensive care units, only 47 percent have appropriate written transfer agreements with hospitals that do have such specialized units. One-third of states do not have a physician available on-call 24 hours to provide medical direction to EMTs or other non-physician emergency care providers. Of those states that do, many do not have full state coverage.

It is clear that despite the progress made since the Emergency Medical Services for Children Act was first enacted, deficiencies in our pediatric emergency care system remain. What is more, the need for a strong and healthy population, as well as a robust, prepared, and responsive health care system, has never been greater. This cannot occur in the absence of an emergency medical structure that is fully trained and ready to care for our nation's youth.

The Wakefield Act fills this role by supporting states' efforts to improve the care of children within their emergency medical services systems. EMSC-supported projects include strengthening emergency care infrastructures, assessing local provider needs, and developing comprehensive education and training modules. The impact of this program is undeniable: in 2003, 78 percent of States reported that either all or some of their pediatric emergency training programs were dependent on EMSC grant funding.

The EMSC program also ensures timely distribution of best practices and lessons learned in the area of pediatric emergency care, as well as facilitating the sharing of innovations through its national resource center. Furthermore, EMSC-supported projects have a proven record of success at the State and local level. For example, in 1997, no State disaster plan had specific pediatric components, but by 2003, 13 EMSC projects were working actively with their State's disaster preparedness offices to address children's needs in the event of a disaster.

I am proud that my home State of Utah has played a vital role in advancing the level of emergency medical care for children and teenagers. Working with the Emergency Medical Services for Children program, Utah has participated in the Intermountain Regional Emergency Medical Services for Children Coordinating Council. The University of Utah is home to both the National Emergency Medical Services for Children Data Analysis Resource Center and the Central Data Management Coordinating Center for the Pediatric Emergency Care Applied Research Network. Utah-based projects also helped pioneer the development of training materials on caring for special needs pediatric patients.

Over the course of its 20 year history, the Emergency Medical Services for Children program has made great strides in improving the lives of our Nation's children. It has largely eliminated discrepancies in regulations among States, establishing a national norm and making children's issues in emergency medical care a priority. The national EMSC program is a dynamic and flexible program that has proved to be responsive to both the Nation's and the individual States' needs. The program has funded pediatric emergency care improvement initiatives in every State, territory and the District of Columbia, as well as national improvement programs.

I urge my colleagues to support this important and necessary legislation.

Mr. CONRAD. Mr. President, I rise today to support the introduction of the Wakefield Act, which will reauthorize the Emergency Medical Services for Children, EMSC, program. This program is the only Federal program that focuses specifically on improving the quality of children's emergency care. With more than 31 million child and adolescent visits to emergency rooms each year, the EMSC program is important to ensuring that our children receive the best trauma care available.

As research shows, first responders cannot treat children as small adults, a different approach is needed. The EMSC program provides vital funding to States to improve the quality of pediatric emergency care. EMSC funds can be used for a variety of initiatives, including for the purchase of child appropriate equipment and training programs for nurses, physicians and emergency responders. These funds fill an important need. For example, 43 percent of hospitals in this country lack cervical collars for infants. The EMSC program is helping to address inadequacies in our Nation's EMS system.

This bill is particularly important to me because it is named for the family of a dear friend of mine, Mary Wakefield, who suffered a horrible tragedy this past January. Mary lost her brother, Thomas Wakefield, and two of his children, Mikal and Nicole, in a car accident. This terrible tragedy highlights the importance of providing appropriate training and equipment for children involved in trauma cases, and I urge all of my colleagues to cosponsor this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—COMMENDING THE VIRGINIA UNION UNIVERSITY PANTHERS MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II NATIONAL BASKETBALL CHAMPIONSHIP

Mr. ALLEN (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 102

Whereas the students, alumni, faculty, and supporters of Virginia Union University are to be congratulated for their commitment to and pride in the Virginia Union University Panthers National Champion men's basketball team;

Whereas in the National Collegiate Athletic Association (NCAA) championship game against the Bryant Bulldogs, the Panthers led throughout the first half, on the strength of senior forward Antwan Walton's 19 points and 11 rebounds;

Whereas the Panthers won the 2005 NCAA Division II National Basketball Championship with an outstanding second-half performance, answering a 17 to 9 run by Bryant to regain the lead in the final moments of the game, winning the Championship game by a score of 63 to 58;

Whereas the Panthers added the NCAA Division II title to the Central Intercollegiate Athletic Association title to claim their second championship in 2005;

Whereas every player on the Panthers basketball team—Luqman Jaaber, Lantrice Green, Duan Crockett, Antwan Walton, Steve Miller, Remington Hart, Emerson Kidd, Trevor Bryant, Quincy Smith, B.J. Stevenson, Justin Wingfield, Arthur Kidd, Ralph Brown, Darius Hargrove, Phillip Moore and Chris Moore—contributed to the team's success in this impressive championship season;

Whereas the Panthers basketball team Head Coach Dave Robbins has become only the third man to win 3 Division II National Championships;

Whereas Coach Robbins is the first coach to win at least 1 Division II National Championship in 3 different decades; and

Whereas Assistant Coaches Willard Coker, Jerome Furtado, and Mike Walker deserve high recommendation for their strong leadership of, and superb coaching support to, the Virginia Union University Panthers men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Union University Panthers men's basketball team for winning the 2005 National Collegiate Athletic Association Division II National Championship;

(2) recognizes the achievements of all of the team's players, Head Coach Dave Robbins, assistant coaches, and support staff; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Head Coach of the National Champion Virginia Union University Panthers basketball team.

SENATE RESOLUTION 103—COMMENDING THE LADY BEARS OF BAYLOR UNIVERSITY FOR WINNING THE 2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 103

Whereas the Baylor University women's basketball team won its first national championship by defeating Michigan State, 84 to 62, the second largest margin of victory in the history of women's basketball championship games;

Whereas the Lady Bears finished the 2004–2005 season with a record of 33 wins and 3 losses, including winning their final 20 consecutive games;

Whereas Coach Kim Mulkey-Robertson brought the Lady Bears to their first national championship and became the first woman to have been both a head coach and a player on a national championship team;

Whereas Coach Kim Mulkey-Robertson took the Lady Bears from the bottom of the Big 12 standings in 2000 to a national championship in 5 years;

Whereas All-American Sophia Young, who averaged 22 points in the tournament, reached double figures in all 36 games in the 2004-2005 season, with 17 double-doubles, and had 26 points in the final game to be the high scorer in the championship game;

Whereas All-American Steffanie Blackmon scored 22 points and had 7 rebounds to lead the Lady Bears to the championship;

Whereas Emily Niemann made key 3-point shots to boost the Lady Bears to victory in an exciting final game;

Whereas the entire team should be commended for their work together;

Whereas Baylor University has demonstrated its excellence in both athletics and academics, and has significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship; and

Whereas the Baylor University Lady Bears are the pride of Waco and the rest of the great State of Texas: Now, therefore, be it

Resolved, That the Senate commends the Lady Bears of Baylor University for—

(1) winning the 2005 National Collegiate Athletic Association Division I Women's Basketball Championship; and

(2) completing the 2004–2005 women's basketball season with a record of 33 wins and 3 losses.

AMENDMENTS SUBMITTED AND PROPOSED

SA 333. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table.

SA 334. Mr. KERRY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 335. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 336. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

SA 337. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 333. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1122. Section 403(1) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

SA 334. Mr. KERRY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike line 6 and all that follows through page 160, line 22, and insert the following:

SEC. 1112. (a) INCREASE IN DEATH GRATUITY.—

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

On page 161, line 23, strike ''$238,000'' and insert ''$150,000''.

SA 335. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 170 between lines 15 and 15, insert the following:

CHAPTER 3

SEC. 1201. SHORT TITLE.

This chapter may be cited as the ''Patriot Penalty Elimination Act of 2005''.

SEC. 1202. INCOME PRESERVATION PAY FOR RESERVES SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12316 the following new section:

''§ 12316a. Reserves: income preservation pay

''(a) REQUIREMENT TO PAY.—The Secretary of the military department concerned shall pay income preservation pay under this section to an eligible member of a reserve component of the armed forces in connection with the member's active-duty service as described in subsection (b).

''(b) ELIGIBLE MEMBER.—A member is eligible for income preservation pay if—

''(1) in the case of a member who is an employee of the Federal Government—

''(A) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

''(B) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; and

''(C) with respect to such active-duty service, the amount of the member's preservice earned income determined under subparagraph (A) of subsection (c)(1) exceeds the amount of the member's military service income determined under subparagraph (B) of such subsection; or

''(2) in the case of any other member, the member—

''(A) meets the requirements of paragraph (1); and

''(B) is not receiving employment income preservation payments from the qualifying employer of the member as described in section 12316b of this title.

''(c) AMOUNT.—(1) Subject to paragraph (2), the amount payable under this section to a member in connection with active-duty service is the amount equal to the excess (if any) of—

''(A) the amount computed by multiplying—

''(i) the preservice average monthly earned income of the member, by

''(ii) the total number of the member's service months for such active-duty service, over

''(B) the amount computed by multiplying—

''(i) the military service average monthly income of the member, by

''(ii) the total number of months determined under subparagraph (A)(ii).

''(2) The total amount of income preservation pay that is paid to a member under this section may not exceed $10,000.

''(d) PRESERVICE AVERAGE MONTHLY EARNED INCOME.—For the purposes of this section, the preservice average monthly earned income of a member who serves on active duty as described in subsection (b)

shall be computed by dividing 12 into the total amount of the member's earned income for the 12 months immediately preceding the member's first service month of the period for which income preservation pay is to be paid to the member under this section.

''(e) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (b) is the amount determined by dividing—

''(1) the sum of the total amount of the member's earned income (other than basic pay) and the total amount of the member's basic pay (under section 204 of title 37) for the member's service months for such active-duty service, by

''(2) the total number of such months.

''(f) TIME AND MANNER OF PAYMENT.—(1) Subject to paragraph (2), the total amount of income preservation pay that is payable under this section to a member in connection with service on active duty is due and payable, in one lump sum, not later than 30 days after the date on which the member is released from the active duty.

''(2) The Secretary concerned may make advance payment of income preservation pay in whole or in part under this section to a member, under such terms and conditions as the Secretary determines appropriate, if it is clear from the circumstances that it is likely that the member's active-duty service will satisfy the requirements of subsection (b). In any case in which advance payment is made to a member whose period of such active-duty service does not satisfy such requirements, the Secretary concerned may waive recoupment of the advance payment if the Secretary determines that recoupment would be against equity and good conscience or would be contrary to the best interests of the United States.

''(g) DEFINITIONS.—In this section:

''(1) The term ''earned income'' has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

''(2) The term 'service month', with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

''(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.''.

(b) RECHARACTERIZATION OF EXISTING SECTION ON PAYMENT OF CERTAIN RESERVES ON ACTIVE DUTY.—The heading of section 12316 of title 10, United States Code, is amended to read as follows:

''§ 12316. Reserves: payment of other entitlement instead of pay and allowances''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, is amended by striking the item relating to section 12316 and inserting the following new items:

''12316. Reserves: payment of other entitlement instead of pay and allowances.

''12316a. Reserves: income preservation pay.''.

(d) EFFECTIVE DATE.—Section 12316a of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

SEC. 1203. EMPLOYMENT INCOME PRESERVATION ASSISTANCE GRANTS FOR EMPLOYERS OF RESERVES.

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, as amended by section 1202(a) of this chapter, is further amended by inserting after section 12316a the following new section:

''§ 12316b. Reserves: employment income preservation assistance grants for employers of reserves

''(a) REQUIREMENT TO MAKE GRANTS.—The Secretary of the military department concerned shall make a grant to each qualifying employer to assist such employer in making employment income preservation payments to a covered member of a reserve component of the armed forces who is an employee of such employer to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

''(b) QUALIFYING EMPLOYER.—(1) Except as provided in paragraph (2), for the purposes of this section, a qualifying employer is any employer who makes employment income preservation payments to a covered member to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

''(2) A State or local government is not a qualifying employer for the purpose of this section.

''(c) COVERED MEMBER.—For the purposes of this section, a member is a covered member if—

''(1) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

''(2) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; and

''(3) with respect to such active-duty service, the amount of the member's preservice average monthly wage or salary (as determined under subsection (e)) exceeds the amount of the member's military service average monthly income (as determined under subsection (f)).

''(d) EMPLOYMENT INCOME PRESERVATION PAYMENTS.—(1) For the purposes of this section, employment income preservation payments are any payments made by a qualifying employer to a covered member in connection with the active-duty service of the member described in subsection (c) in order to make up any excess of the member's preservice average monthly wage or salary over the member's military service average monthly income.

''(2) The total amount of employment income preservation payments with respect to a covered member for which a grant may be made under subsection (a) may not exceed $10,000.

''(e) PRESERVICE AVERAGE MONTHLY WAGE OR SALARY.—For the purposes of this section, the preservice average monthly wage or salary of a covered member who serves on active duty as described in subsection (c) shall be computed by dividing—

''(1) the number of months of employment of the member with the qualifying employer during the 12-month period preceding the member's commencement on active duty as described in subsection (c); into

''(2) the total amount of the member's wage or salary paid by the qualifying employer during such months.

''(f) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (c) is the amount determined by dividing—

''(1) the sum of the total amount of the member's earned income (other than basic pay) and the total amount of the member's basic pay (under section 204 of title 37) for the member's service months for such active-duty service, by

''(2) the total number of such months.

''(g) DEFINITIONS.—In this section:

''(1) The term ''earned income'' has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

''(2) The term 'service month', with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

''(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, as amended by section 1202(c) of this chapter, is further by inserting after the item relating to section 12316a the following new item:

''12316b. Reserves: income preservation assistance grants for employers of reserves.''.

(c) EFFECTIVE DATE.—Section 12316b of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

SA 336. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

SEC. 1122. FUNDING FOR VETERANS HEALTH ADMINISTRATION FOR HEALTH CARE FOR VETERANS WHO SERVE ABROAD IN THE GLOBAL WAR ON TERRORISM.

(a) TRANSFER FROM OPERATION AND MAINTENANCE ACCOUNTS.—The Secretary of Defense shall transfer to the Secretary of Veterans Affairs, from amounts appropriated or otherwise made available by this Act for the Operation and Maintenance accounts of the Department of Defense, an aggregate of $975,000,000, with the amount so transferred to be derived from amounts so appropriated or otherwise made available in such distribution as the Secretary of Defense determines appropriate.

(b) DEPOSIT OF TRANSFERRED AMOUNT.—The Secretary of Veterans Affairs shall deposit the amount transferred under subsection (a) in the Medical Services account of the Veterans Health Administration of the Department of Veterans Affairs. Upon deposit, such amount shall be merged with funds in such account, and shall, subject to subsection (c), be available for the same purposes, and subject to the same limitations as the funds with which merged.

(c) AVAILABILITY OF AMOUNT.—The amount deposited in the Medical Services account of

the Veterans Health Administration under subsection (b) shall be available only for the provision of care and treatment, including mental health care services, to veterans who serve abroad in the Global War on Terrorism. Such amount shall be available, without fiscal year limitation, until expended.

SA 337. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike line 6 and all that follows through page 161, line 21, and insert the following:

SEC. 1112. (a) INCREASE IN DEATH GRATUITY.—

(1) INCREASE.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE; TERMINATION.—

(A) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B) The amendment made by paragraph (1) shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—

(1) REQUIREMENT TO PAY ADDITIONAL GRATUITY.—In the case of a member of the Armed Forces who died before the date of the enactment of this Act, but on or after October 7, 2001, the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a field hearing in St. Paul, MN entitled ''Tax Related Financial Products Can Be Costly,'' regarding the Subcommittee's investigations into tax-related financial products. These bank products include refund anticipation loans (RALs), refund anticipation checks (RACs) and refund transfers that are offered by tax preparers such an H&R Block and Jackson Hewitt. Also included are products offered solely by the tax preparation companies such as tax preparation guarantees. The Subcommittee field hearing will examine these products' costs, the extent to which these products are fairly marketed, and whether the costs of these products are fully disclosed. Additionally, the Subcommittee will examine the refunds, incentives and rebates that are paid by banks to tax preparers for selling these products and the ethical implications that can be presented from a client service perspective.

The Subcommittee hearing is scheduled for Friday, April 15, 2005, at 1 p.m. in ''The Reading Room'' of the James J. Hill Reference Library at 80 West 4th Street in St. Paul, Minnesota. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 26, 2005, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the preparedness of the Departments of Agriculture and the Interior for the 2005 wildfire season, including the agencies' assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies' ability to deal with the upcoming fire season.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at (202) 224–2878 or Amy Millet at (202) 224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on the S. 241—to exempt the Universal Service Fund from sections of the Antideficiency Act, on Monday, April 11, 2005, at 2 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, April 11, 2005 at 9:30 a.m. to hold a Nomination hearing.

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

SUBCOMMITTEE ON EMERGING THREATS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on April 11, 2005, at 2 p.m., in open session to receive testimony on the Chemical Demilitarization Program of the Department of Defense in review of the defense authorization request for fiscal year 2006.

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

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Mr. Les Spivey, Mr. B.G. Wright, and Mr. Chad Schulken of the Appropriations Committee staff be granted full floor access during the consideration of H.R. 1268, the fiscal year 2005 emergency supplemental appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Harry Christie, a detailee to the committee from the U.S. Secret Service, be granted floor privileges for the duration of the debate on H.R. 1268.

The ACTING PRESIDENT pro tempore. Without objection it so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Katy Hagan, a detailee with the Defense Appropriations Subcommittee, be granted privileges of the floor during consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Jyoti Sharma, a legal fellow for Senator CLINTON's office, be granted the privilege of the floor during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2005 first quarter mass mailings is Monday, April 25, 2005. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

CONGRATULATING VIRGINIA UNION MEN'S BASKETBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 102 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 102) commending the Virginia Union University Panthers men's basketball team for winning the 2005 National Collegiate Athletic Association Division II National Basketball Championship.

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

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

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

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 102

Whereas the students, alumni, faculty, and supporters of Virginia Union University are to be congratulated for their commitment to and pride in the Virginia Union University Panthers National Champion men's basketball team;

Whereas in the National Collegiate Athletic Association (NCAA) championship game against the Bryant Bulldogs, the Panthers led throughout the first half, on the strength of senior forward Antwan Walton's 19 points and 11 rebounds;

Whereas the Panthers won the 2005 NCAA Division II National Basketball Championship with an outstanding second-half performance, answering a 17 to 9 run by Bryant to regain the lead in the final moments of the game, winning the Championship game by a score of 63 to 58;

Whereas the Panthers added the NCAA Division II title to the Central Intercollegiate Athletic Association title to claim their second championship in 2005;

Whereas every player on the Panthers basketball team—Luqman Jaaber, Duan Crockett, Antwan Walton, Ralph Brown, Darius Hargrove, Lantrice Green, Steve Miller, Quincy Smith, Arthur Kid, and Chris Moore—contributed to the team's success in this impressive championship season;

Whereas the Panthers basketball team Head Coach Dave Robbins has become only the third man to win 3 Division II National Championships;

Whereas Coach Robbins is the first coach to win at least 1 Division II National Championship in 3 different decades; and

Whereas Assistant Coaches Willard Coker, Jerome Furtado, and Mike Walker deserve high recommendation for their strong leadership of, and superb coaching support to, the Virginia Union University Panthers men's basketball team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Virginia Union University Panthers men's basketball team for winning the 2005 National Collegiate Athletic Association Division II National Championship;

(2) recognizes the achievements of all of the team's players, Head Coach Dave Robbins, assistant coaches, and support staff; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Head Coach of the National Champion Virginia Union University Panthers basketball team.

CONGRATULATING BAYLOR WOMEN'S BASKETBALL TEAM

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 103 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 103) commending the Lady Bears of Baylor University for winning the 2005 National Collegiate Athletic Association Division I Women's Basketball Championship.

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

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

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

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas the Baylor University women's basketball team won its first national championship by defeating Michigan State, 84 to 62, the second largest margin of victory in the history of women's basketball championship games;

Whereas the Lady Bears finished the 2004–2005 season with a record of 33 wins and 3 losses, including winning their final 20 consecutive games;

Whereas Coach Kim Mulkey-Robertson brought the Lady Bears to their first national championship and became the first woman to have been both a head coach and a player on a national championship team;

Whereas Coach Kim Mulkey-Robertson took the Lady Bears from the bottom of the Big 12 standings in 2000 to a national championship in 5 years;

Whereas All-American Sophia Young, who averaged 22 points in the tournament, reached double figures in all 36 games in the 2004-2005 season, with 17 double-doubles, and had 26 points in the final game to be the high scorer in the championship game;

Whereas All-American Steffanie Blackmon scored 22 points and had 7 rebounds to lead the Lady Bears to the championship;

Whereas Emily Niemann made key 3-point shots to boost the Lady Bears to victory in an exciting final game;

Whereas the entire team should be commended for their work together;

Whereas Baylor University has demonstrated its excellence in both athletics and academics, and has significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship; and

Whereas the Baylor University Lady Bears are the pride of Waco and the rest of the great State of Texas: Now, therefore, be it

Resolved, That the Senate commends the Lady Bears of Baylor University for—

(1) winning the 2005 National Collegiate Athletic Association Division I Women's Basketball Championship; and

(2) completing the 2004–2005 women's basketball season with a record of 33 wins and 3 losses.

COMMEMORATING THE TENTH ANNIVERSARY OF THE ATTACK ON THE ALFRED P. MURRAH FEDERAL BUILDING

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 96.

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

The legislative clerk read as follows:

A resolution (S. Res. 96) commemorating the 10th anniversary of the attack on the Alfred P. Murrah Federal Building.

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

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

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

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 96

Whereas on April 19, 1995, at 9:02 a.m. Central Daylight Time, in Oklahoma City, Oklahoma, the United States was attacked in one of the worst terrorist attacks on United States soil, which killed 168 people and injured more than 850 others;

Whereas this dastardly act of domestic terrorism affected thousands of families and horrified millions of people across the State of Oklahoma and the United States;

Whereas the people of Oklahoma and the United States responded to this tragedy through the remarkable efforts of local, State, and Federal law enforcement, firefighters, and emergency services, search and rescue teams from across the United States, public and private medical personnel, and thousands of volunteers from the community who saved lives, assisted the injured and wounded, comforted the bereaved, and provided meals and support to those who came to Oklahoma City to help those endangered and affected by this terrorist act;

Whereas the people of Oklahoma and the United States pledged themselves to build and maintain a permanent national memorial to remember those who were killed, those who survived, and those changed forever;

Whereas this pledge was fulfilled by creating the Oklahoma City National Memorial, which draws hundreds of thousands of visitors from around the world every year to the site of this tragic event in United States history;

Whereas the Oklahoma City National Memorial brings comfort, strength, peace, hope, and serenity to the many visitors who come to the memorial and its museum each year to remember and to learn;

Whereas the mission of the National Memorial Institute for the Prevention of Terrorism, to aid the Nation's emergency responders in preventing terrorist attacks, or mitigating their effects, should be promoted; and

Whereas the tenth anniversary of the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, is on April 19, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) joins with the people of the United States in sending best wishes and prayers to

the families, friends, and neighbors of the 168 people killed in the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma;

(2) sends Congress's best wishes and thoughts to those injured in the bombing and its gratitude for their recovery;

(3) thanks the thousands of first responders, rescue workers, medical personnel, and volunteers from the Oklahoma City community and across the Nation who answered the call for help that April morning and in the days and weeks thereafter;

(4) resolves to work with the people of the United States to promote the goals and mission established by the Oklahoma City National Memorial on the tenth anniversary of that fateful day;

(5) supports the resolve for the future, written on the wall of the memorial, ''We come here to remember those who were killed, those who survived, and those changed forever. May all who leave here know the impact of violence. May this memorial offer comfort, strength, peace, hope, and serenity.'';

(6) designates the week of April 17, 2005, as the National Week of Hope, commemorating the tenth anniversary of the Oklahoma City bombing;

(7) calls on the people of the United States to participate in the events scheduled for each day of that week to teach a lesson of hope in the midst of political violence and to teach that good endures in the world even among those who commit bad acts and further to teach that there is a way to resolve differences other than resorting to terrorism or violence, including the—

(A) Day of Faith;

(B) Day of Understanding;

(C) Day of Remembrance;

(D) Day of Sharing;

(E) Day of Tolerance;

(F) Day of Caring; and

(G) Day of Inspiration;

(8) congratulates the people of Oklahoma City for making tremendous progress over the past decade and demonstrating their steadfast commitment to the ability of hope to triumph over violence;

(9) applauds the people of Oklahoma City as they continue to persevere and to stand as a beacon to the rest of the Nation and the world attesting to the strength of goodness in overcoming evil wherever it arises in our midst; and

(10) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Memorial Foundation, as an expression of appreciation.

ORDERS FOR TUESDAY, APRIL 12, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, April 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 1268, the Iraq-Afghanistan supplemental appropriations bill, as provided under the previous order.

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

Mr. FRIST. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the Iraq-Afghanistan supplemental. We began debating this important appropriations bill this afternoon, and it is my hope that we can begin the amending process early during tomorrow's session. The chairman and ranking member will be here to receive amendments, and I encourage all Senators who intend to offer an amendment to contact the managers as soon as possible.

Again, Senators should expect a busy week this week as the Senate considers the Iraq-Afghanistan appropriations bill. Senators should expect votes throughout the week, with possible late night sessions.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, April 12, 2005, at 9:45 a.m.

NOMINATIONS

Executive nomination received by the Senate April 11, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

LIEUTENANT GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

CONFIRMATION

Executive nomination confirmed by the Senate: Monday, April 11, 2005:

THE JUDICIARY

PAUL A. CROTTY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.