

expeditious construction of the San Diego border fence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 853. A bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the North American Cooperative Security Act, NACSA. The purpose of this bill is to enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication and coordination between the Governments of North America. To advance these goals, this bill would: Improve procedures for exchanging relevant security information with Mexico and Canada; improve our military-to-military relations with Mexico; improve the security of Mexico's southern border; establish a database to track the movement of members of Central American gangs between the United States, Mexico, and Central American countries; require U.S. government agencies to develop a strategy for achieving an agreement with the Mexican government on joint measures to impede the ability of third country nationals from using Mexico as a transit corridor for unauthorized entry into the United States.

Our Nation is inextricably intertwined with Mexico and Canada historically, culturally, and commercially. The flow of goods and people across our borders helps drive our economy and strengthen our culture. The Department of Transportation reports that goods worth more than \$633 billion crossed our land borders in 2004. According to the Census Bureau more than 26 million of the 39 million individuals of Hispanic-origin who are legal residents in the United States are of Mexican background.

But our land borders also serve as a conduit for illegal immigration, drugs, and other illicit items. Given the threat of international terrorism, there is great concern that our land borders could also serve as a channel for international terrorists and weapons of mass destruction.

The threat of terrorist penetration is particularly acute along our southern border. In 2004, fewer than 10,000 individuals were apprehended entering the U.S. illegally through our 5,000 mile land border with Canada. This compared with the more than 1.1 million that were apprehended while trying to cross our 2,000 mile border with Mexico. The Department of Homeland Security reports that about 996,000 of these individuals were Mexicans crossing the border for economic or family reasons.

The Homeland Security Department refers to the rest as "other than Mexi-

cans,"—or "OTMs." Of the approximately 100,000 OTMs apprehended, 3,000 to 4,000 were from so-called "countries of interest" like Somalia, Pakistan, and Saudi Arabia, which have produced or been associated with terrorist cells.

A few of the individuals who have been apprehended at our southern border were known to have connections to terrorists or were entering the U.S. under highly suspicious circumstances. For example, one Lebanese national, who had paid a smuggler to transport him across the U.S.-Mexican border in 2001, was recently convicted of holding a fundraiser in his Michigan home for the Hizbollah terrorist group.

Last July, a Pakistani woman swam across the Rio Grande River from Mexico to Texas. She was detained when she tried to board a plane to New York with \$6,000 in cash and a severely altered South African passport. Her husband's name was found to be on a terrorism watch list. She was convicted on immigration charges and deported in December 2004.

Since September 11, 2001, progress has been made in deterring cross-border threats, while maintaining the efficient movement of people and cargo across North America. The United States signed "Smart Border" agreements with Canada and Mexico, in December 2001 and March 2002, respectively. These agreements seek to improve pre-screening of immigrants, refugees, and cargo. They include new documentation requirements and provisions for adding inspectors and updating border security technologies. We also have established Integrated Border Enforcement Teams to coordinate law enforcement efforts with Canada.

Additional initiatives are included in the Presidents' Security and Prosperity Partnership of North America Agreement announced on March 23, 2005, at the North American Summit meeting in Texas. But, additional work lies ahead. We must sustain attention and accountability at home for enhancing our Continental security, and continue to press our neighbors for improved cooperation in combating security threats.

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. 853

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 "North American Cooperative Security Act".

SEC. 2. NORTH AMERICAN SECURITY INITIATIVE.

(a) IN GENERAL.—The Secretary of State shall enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication, and coordination between the Governments of North America.

(b) RESPONSIBILITIES.—In implementing the provisions of this Act, the Secretary of

State shall carry out all of the activities described in this Act.

SEC. 3. IMPROVING THE EXCHANGE OF INFORMATION ON NORTH AMERICAN SECURITY.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State, in coordination with the Secretary of Homeland Security and the Secretary of Defense, each responsible for their pertinent areas of jurisdiction, shall submit a joint report, to the congressional committees listed under subsection (b) that contains a description of the efforts to carry out this section and sections 4 through 7.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The congressional committees listed under this subsection are—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (3) the Committee on International Relations of the House of Representatives;
- (4) the Select Committee on Homeland Security of the House of Representatives;
- (5) the Committee on Armed Services of the Senate; and
- (6) the Committee on Armed Services of the House of Representatives.

(c) CONTENTS.—A report submitted under subsection (a) shall contain a description of each of the following:

(1) SECURITY AND THE MOVEMENT OF GOODS.—The progress of the development and expansion of public-private partnerships to secure the supply chain of goods coming into North America and expedite the movement of low-risk goods, including the status of—

(A) the Fast and Secure Trade program (referred to in this subsection as "FAST") at major crossings, and the progress made in implementing the Fast and Secure Trade program at all remaining commercial crossings between Canada and the United States;

(B) marketing programs to promote enrollment in FAST;

(C) finding ways and means of increasing participation in FAST; and

(D) the implementation of FAST at the international border between Mexico and the United States.

(2) CARGO SECURITY AND MOVEMENT OF GOODS.—The progress made in developing and implementing a North American cargo security strategy that creates a common security perimeter by enhancing technical assistance for programs and systems to support advance reporting and risk management of cargo data, improved integrity measures through automated collection of fees, and advance technology to rapidly screen cargo.

(3) BORDER WAIT TIMES.—The progress made by the Secretary of State, in consultation with national, provincial, and municipal governments, to—

(A) reduce waiting times at international border crossings through low-risk land ports of entry facilitating programs, including the status of the Secure Electronic Network for Travelers Rapid Inspection program (referred to in this section as "SENTRI") and the NEXUS program—

(B) measure and report wait times for commercial and non-commercial traffic at the land ports, and establish compatible performance standards for operating under normal security alert conditions; and

(C) identify, develop, and deploy new technologies to—

(i) further advance the shared security goals of Canada, Mexico, and the United States; and

(ii) promote the legitimate flow of both people and goods across international borders.

(4) BORDER INFRASTRUCTURE.—Efforts to pursue joint investments in and protection of border infrastructure, including—

- (A) priority ports of entry;
- (B) plans to expand dedicated lanes and approaches and improve border infrastructure in order to meet the objectives of FAST;
- (C) the development of a strategic plan for expanding the number of dedicated FAST lanes at major crossings at the international border between Mexico and the United States; and
- (D) an inventory of border transportation infrastructure in major transportation corridors.

(5) SECURITY CLEARANCES AND DOCUMENT INTEGRITY.—The development of more common or otherwise equivalent enrollment, security, technical, and biometric standards for the issuance, authentication, validation, and repudiation of secure documents, including—

- (A) technical and biometric standards based on best practices and consistent with international standards for the issuance, authentication, validation, and repudiation of travel documents, including—

- (i) passports;
- (ii) visas; and
- (iii) permanent resident cards;
- (B) working with the Governments of Canada and Mexico to encourage foreign governments to enact laws controlling alien smuggling and trafficking, use, and manufacture of fraudulent travel documents and information sharing;

(C) applying the necessary pressures and support to ensure that other countries meet proper travel document standards and are equally committed to travel document verification before transit to other countries, including the United States; and

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with visa and travel documents.

(6) IMMIGRATION AND VISA MANAGEMENT.—The progress on efforts to share information on high-risk individuals that might attempt to travel to Canada, Mexico, or the United States, including—

(A) immigration lookout data on high risk individuals by implementing the Statement of Mutual Understanding on Information Sharing, which was signed by Canada and the United States in February 2003; and

(B) immigration fraud trends and analysis, including asylum and document fraud.

(7) VISA POLICY COORDINATION AND IMMIGRATION SECURITY.—The progress made by the Governments of Canada, Mexico, and the United States to enhance North American security by cooperating on visa policy and identifying best practices regarding immigration security, including—

(A) enhancing consultation among visa issuing officials at consulates or embassies of Canada, Mexico, and the United States throughout the world to share information, trends, and best practices on visa flows;

(B) comparing the procedures and policies of Canada and the United States related to visitor visa processing, including—

- (i) application process;
- (ii) interview policy;
- (iii) general screening procedures;
- (iv) visa validity;
- (v) quality control measures; and
- (vi) access to appeal or review;

(C) converging the list of “visa waiver” countries;

(D) providing technical assistance for the development and maintenance of a national database built upon identified best practices for biometrics associated with immigration violators;

(E) developing and implementing a North American immigration security strategy

that works toward the development of a common security perimeter by enhancing technical assistance for programs and systems to support advance automated reporting and risk targeting of international passengers;

(F) the progress made toward sharing information on lost and stolen passports on a real-time basis among immigration or law enforcement officials of the Governments of Canada, Mexico, and the United States; and

(G) the progress made by the Department of State in collecting 10 fingerprints from all visa applicants.

(8) NORTH AMERICAN VISITOR OVERSTAY PROGRAM.—The progress made to implement parallel entry-exit tracking systems between Canada and the United States—

(A) to share information on third country nationals who have overstayed in either country; and

(B) that respect the privacy laws of each country.

(9) TERRORIST WATCH LISTS.—The progress made to enhance capacity of the United States to combat terrorism through the coordination of counterterrorism efforts, including—

(A) bilateral agreements between Canada and the United States and between Mexico and the United States to govern the sharing of terrorist watch list data and to comprehensively enumerate the uses of such data by the governments of each country;

(B) establishing appropriate linkages between Canada, Mexico, and the United States Terrorist Screening Center; and

(C) working to explore with foreign governments the establishment of a multilateral watch list mechanism that would facilitate direct coordination between the country that identifies an individual as an individual included on a watch list, and the country that owns such list, including procedures that satisfy the security concerns and are consistent with the privacy and other laws of each participating country.

(10) MONEY LAUNDERING, INCOME TAX EVASION, CURRENCY SMUGGLING, AND ALIEN SMUGGLING.—The progress made to improve information sharing and law enforcement cooperation in organized crime, including—

(A) information sharing and law enforcement cooperation, especially in areas of currency smuggling, money laundering, alien smuggling and trafficking in alcohol, firearms, and explosives;

(B) implementing the Canada-United States Firearms Trafficking Action Plan;

(C) the feasibility of formulating a firearms trafficking action plan between Mexico and the United States;

(D) developing a joint threat assessment on organized crime between Canada and the United States;

(E) the feasibility of formulating a joint threat assessment on organized crime between Mexico and the United States;

(F) developing mechanisms to exchange information on findings, seizures, and capture of individuals transporting undeclared currency; and

(G) developing and implementing a plan to combat the transnational threat of illegal drug trafficking.

(11) COUNTERTERRORISM PROGRAMS.—Enhancements to counterterrorism coordination, including—

(A) reviewing existing counterterrorism efforts and coordination to maximize effectiveness; and

(B) identifying best practices regarding the sharing of information and intelligence.

(12) LAW ENFORCEMENT COOPERATION.—The enhancement of law enforcement cooperation through enhanced technical assistance for the development and maintenance of a national database built upon identified best

practices for biometrics associated with known and suspected criminals or terrorists, including—

(A) exploring the formation of law enforcement teams that include personnel from the United States and Mexico, and appropriate procedures from such teams; and

(B) assessing the threat and risk of the St. Lawrence Seaway System and the Great Lakes and developing appropriate marine enforcement programs based on the integrated border team framework.

(13) BIOSECURITY COOPERATION.—The progress made to increase and promote cooperation in the analysis and assessments of intentional threats to biosecurity, including naturally occurring threats, as well as in the United States prevention and response capacity and plans to respond to these threats, including—

(A) mapping relationships among key regulatory and border officials to ensure effective cooperation in planning and responding to a biosecurity threat; and

(B) working jointly in support of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188; 116 Stat. 594) to develop a regime that employs a risk management approach to the movement of foods and food products in our countries and across our shared border, and which builds upon and harmonizes with customs processes.

(14) PROTECTION AGAINST NUCLEAR AND RADIOLOGICAL THREATS.—The progress made to increase cooperation to prevent nuclear and radiological smuggling, including—

(A) identifying opportunities to increase cooperation to prevent smuggling of nuclear or radioactive materials, including improving export controls for all materials identified on the high-risk sources list maintained by the International Atomic Energy Agency;

(B) working collectively with other countries to install radiation detection equipment at foreign land crossings to examine cargo destined for North America;

(C) enhancing border controls through effective technical cooperation and other forms of cooperation to—

- (i) prevent the smuggling of radiological materials; and
- (ii) examine related next-generation equipment;

(D) enhancing physical protection of nuclear facilities in North America through effective technical and other forms of cooperation; and

(E) developing a program on physical protection for Mexican nuclear installations that increases the level of the “nuclear security culture” of those responsible for the physical protection of nuclear installations and transport of nuclear material.

(15) EMERGENCY MANAGEMENT COOPERATION.—The progress made regarding the appropriate coordination of our systems and planning and operational standards for emergency management, including the development of an interoperable communications system or the appropriate coordination of existing systems for Canada, Mexico, and the United States for cross-border incident management.

(16) COOPERATIVE ENERGY POLICY.—The progress of efforts to—

(A) increase reliable energy supplies for the region’s needs and development;

(B) streamline and update regulations concerning energy;

(C) promote energy efficiency, conservation, and technologies;

(D) work with the Governments of Canada and Mexico to develop a North American energy alliance to bolster our collective security by increased reliance on North American energy sources; and

(E) work with the Government of Mexico to—

(i) increase Mexico's crude oil and natural gas production by obtaining the technology and financial resources needed by Mexico for energy sector development;

(ii) attract sufficient private direct investment in the upstream sector, within its constitutional framework, to foster the development of additional crude oil and natural gas production; and

(iii) attract the private direct investment in the downstream sector, within its domestic legal framework, to foster the development of additional domestic refining capacity to reduce costs for consumers and to move Mexico toward self-sufficiency in meeting its domestic energy needs.

(17) FEASIBILITY OF COMMON EXTERNAL TARIFF AND DEVELOPMENT ASSISTANCE TO THE ECONOMY OF MEXICO.—The progress of efforts to determine the feasibility of—

(A) harmonizing external tariffs on a sector-by-sector basis to the lowest prevailing rate consistent with multilateral obligations, with the goal of creating a long-term common external tariff;

(B) accelerating and expanding the implementation of existing "smart border" actions plans to facilitate intra-North American travel and commerce;

(C) working with Mexican authorities to devise a set of policies designed to stimulate the Mexican economy that—

(i) attracts investment;

(ii) stimulates growth; and

(iii) commands broad public support and provides for Mexicans to find jobs in Mexico; and

(D) working to support the development of Mexican industries, job growth, and appropriate improvements to social services.

SEC. 4. INFORMATION SHARING AGREEMENTS.

The Secretary of State, in coordination with the Secretary of Homeland Security and the Government of Mexico, is authorized to negotiate an agreement with Mexico to—

(1) cooperate in impeding the ability of third country nationals from using Mexico as a transit corridor for unauthorized entry into the United States; and

(2) provide technical assistance to support stronger immigration control at the border with Mexico.

SEC. 5. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Canadian Department of Foreign Affairs, and the Government of Mexico, shall establish a program to—

(1) assess the specific needs of Guatemala and Belize in maintaining the security of the borders of such countries;

(2) use the assessment made under paragraph (1) to determine the financial and technical support needed by Guatemala and Belize from Canada, Mexico, and the United States to meet such needs;

(3) provide technical assistance to Guatemala and Belize to secure issuance of passports and travel documents by such countries; and

(4) encourage Guatemala and Belize to—

(A) control alien smuggling and trafficking;

(B) prevent the use and manufacture of fraudulent travel documents; and

(C) share relevant information with Mexico, Canada, and the United States.

(b) IMMIGRATION.—The Secretary of Homeland Security, in consultation with the Secretary of State and appropriate officials of the Governments of Guatemala and Belize, shall provide robust law enforcement assistance to Guatemala and Belize that specifically addresses migratory issues to increase

the ability of the Government of Guatemala to dismantle human smuggling organizations and gain tighter control over the border.

(c) BORDER SECURITY BETWEEN MEXICO AND GUATEMALA OR BELIZE.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and neighboring contiguous countries, shall establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international border between Mexico and Guatemala and between Mexico and Belize.

(d) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and other Central American countries, shall—

(1) assess the direct and indirect impact on the United States and Central America on deporting violent criminal aliens;

(2) establish a program and database to track Central American gang activities, focusing on the identification of returning criminal deportees;

(3) devise an agreed-upon mechanism for notification applied prior to deportation and for support for reintegration of these deportees; and

(4) devise an agreement to share all relevant information with the appropriate agencies of Mexico and other Central American countries.

(e) AERIAL INTERDICTION OF NARCOTRAFFICKING THROUGH CENTRAL AMERICA AND PANAMA.—The Secretary of State shall examine the feasibility of entering into an agreement with Panama and the other countries of Central America regarding the aerial interdiction program commonly known as "Airbridge Denial".

SEC. 6. NORTH AMERICAN DEFENSE INSTITUTIONS.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall examine the feasibility of—

(1) strengthening institutions for consultations on defense issues among the United States, Mexico, and Canada, specifically through—

(A) the Joint Interagency Task Force South;

(B) the Permanent Joint Board on Defense;

(C) joint-staff talks; and

(D) senior Army border talks;

(2) proposing mechanisms to reach agreements with the Government of Canada or Mexico regarding contingency plans for responding to threats along the international borders of the United States;

(3) in consultation with the Governments of Canada and Mexico, and with input from the United States Northern Command—

(A) developing bilateral and trilateral capabilities and coordination mechanisms to address common threats along shared borders; and

(B) work together to clearly define the term "threats" to only encompass military or defense-related threats, rather than other threats to homeland security;

(4) offering technical support to willing regional parties to maintain air space security, including consultation mechanisms with the Joint Interagency Task Force and the North American Aerospace Defense Command, to improve security in the North American and Central American space; and

(5) proposing mechanisms to strengthen communication information and intelligence sharing on defense issues among the United States, Mexico, and Canada.

SEC. 7. REPATRIATION.

The Secretary of State shall—

(1) apply the necessary pressure on, and negotiate with, other countries to accept the International Civil Aviation Organization Annex 9 one-time travel document provided by the United States in lieu of official travel documents if an inadmissible immigrant has not presented official travel documents or has presented fraudulent ones; and

(2) provide the proper support and international pressure necessary to facilitate the removal of inadmissible aliens from the United States and their repatriation in, or reinstatement by, a responsible country, with a focus on criminal aliens that are deemed particularly dangerous or potential terrorists.

By Mr. FEINGOLD:

S. 854: A bill to require labeling of raw agricultural forms of ginseng, including the country of harvest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I would like to discuss legislation I am introducing that would protect ginseng farmers and consumers by ensuring that ginseng is labeled accurately with where the root was harvested. The "Ginseng Harvest Labeling Act of 2005" is similar to bills that I introduced in previous Congresses and developed after hearing suggestions from ginseng growers and the Ginseng Board of Wisconsin.

I would like to take the opportunity to discuss American ginseng and the problems facing Wisconsin's ginseng growers so that my colleagues understand the need for this legislation. Chinese and Native American cultures have used ginseng for thousands of years for herbal and medicinal purposes. As a dietary supplement, American ginseng is widely touted for its ability to improve energy and vitality, particularly in fighting fatigue or stress.

In the U.S., ginseng is experiencing increasing popularity as a dietary supplement, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence. Wisconsin produces 97 percent of the ginseng grown in the United States, and 85 percent of the country's ginseng is grown in just one Wisconsin county, Marathon County. Ginseng is also grown in a number of other States such as Maine, Maryland, New York, North Carolina, Oregon, South Carolina, and West Virginia.

For Wisconsin, ginseng has been an economic boon. Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a low pesticide and chemical content. In 2002, U.S. exports of ginseng totaled nearly \$45 million, much of which was grown in Wisconsin. With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious

problem—smuggled and mislabeled ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as “Wisconsin-grown.”

Here’s how the switch takes place: Wisconsin ginseng is shipped to China to be sorted into various grades. While the sorting process is itself a legitimate part of distributing ginseng, smugglers too often use it as a ruse to switch Wisconsin ginseng with Asian- or Canadian-grown ginseng considered inferior by consumers. The lower quality ginseng is then shipped back to the U.S. for sale to American consumers who think they are buying the Wisconsin-grown product.

There is good reason consumers should want to know that the ginseng they buy is American-grown considering that the only accurate way of testing ginseng to determine where it was grown is to test for pesticides that are banned in the United States. The Ginseng Board of Wisconsin has been testing some ginseng found on store shelves, and in many of the products, residues of chemicals such as DDT, lead, arsenic, and quitozine (PCNB) have been detected. Since the majority of ginseng sold in the U.S. originates from countries with less stringent pesticide standards, it is vitally important that consumers know which ginseng is really grown in the U.S.

To capitalize on their product’s pre-eminence, the Ginseng Board of Wisconsin has developed a voluntary labeling program, stating that the ginseng is “Grown in Wisconsin, U.S.A.” However, Wisconsin ginseng is so valuable that counterfeit labels and ginseng smuggling have become widespread around the world. As a result, consumers have no way of knowing the most basic information about the ginseng they purchase—where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation, the Ginseng Harvest Labeling Act of 2005, proposes some common sense steps to address some of the challenges facing the ginseng industry. My legislation requires that ginseng, as a raw agricultural commodity, be sold at retail with a label clearly indicating the country that the ginseng was harvested in. “Harvest” is important because some Canadian and Chinese growers have ginseng plants that originated in the U.S., but because these plants were cultivated in a foreign country, they may have been treated with chemicals not allowed for use in the U.S. This label would also allow buyers of ginseng to more easily prevent foreign companies from mixing foreign-produced ginseng with ginseng harvested in the U.S. The country of harvest labeling is a simple but effective way to enable consumers to make an informed decision.

These common sense reforms would give ginseng growers the support they deserve and help consumers make in-

formed choices about the ginseng that they consume. We must ensure that when ginseng consumers reach for a high-quality ginseng product—such as Wisconsin-grown ginseng—they are getting the real thing, not a knock-off.

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

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

S. 854

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 “Ginseng Harvest Labeling Act of 2005”.

SEC. 2. DISCLOSURE OF COUNTRY OF HARVEST.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“Subtitle E—Ginseng

“SEC. 291. DISCLOSURE OF COUNTRY OF HARVEST.

“(a) DEFINITION OF GINSENG.—In this section, the term ‘ginseng’ means an herb or herbal ingredient that—

“(1) is derived from a plant classified within the genus *Panax*; and

“(2) is offered for sale as a raw agricultural commodity in any form intended to be used in or as a food or dietary supplement under the name of ‘ginseng’.

“(b) DISCLOSURE.—

“(1) IN GENERAL.—A person that offers ginseng for sale as a raw agricultural commodity shall disclose to potential purchasers the country of harvest of the ginseng.

“(2) IMPORTATION.—A person that imports ginseng into the United States shall disclose the country of harvest of the ginseng at the point of entry of the United States, in accordance with section 304 of the Tariff Act of 1930 (19 U.S.C. 1304).

“(c) MANNER OF DISCLOSURE.—

“(1) IN GENERAL.—The disclosure required by subsection (b) shall be provided to potential purchasers by means of a label, stamp, mark, placard, or other clear and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng.

“(2) RETAILERS.—A retailer of ginseng shall—

“(A) retain disclosure provided under subsection (b); and

“(B) provide disclosure to a retail purchaser of the raw agricultural commodity.

“(3) REGULATIONS.—The Secretary of Agriculture shall by regulation prescribe with specificity the manner in which disclosure shall be made in transactions at wholesale or retail (including transactions by mail, telephone, or Internet or in retail stores).

“(d) FAILURE TO DISCLOSE.—The Secretary of Agriculture may impose on a person that fails to comply with subsection (b) a civil penalty of not more than—

“(1) \$1,000 for the first day on which the failure to disclose occurs; and

“(2) \$250 for each day on which the failure to disclose continues.”.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Ms. COLLINS:

S. 855. A bill to improve the security of the Nation’s ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas

identified in approved vulnerability assessments or by the Secretary of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Port Security Grants Act of 2005. This legislation would establish a dedicated grant program within the Department of Homeland Security to enhance terrorism prevention and response efforts at our ports. It would provide the resources needed to better protect the American people from attack through these vital yet still extremely vulnerable centers of our economy and points of entry.

I am very pleased that my partner in this effort, Representative JANE HARMAN, today is introducing the same legislation in the House of Representatives. Congresswoman HARMAN knows well the vulnerability of our Nation’s ports. Indeed, earlier this year, I accompanied her to the ports of Long Beach and Los Angeles to witness first hand the incredible volume of activity that occurs at these thriving economic centers—and the incredible security challenges that they pose. Congresswoman HARMAN’s dedication to the security of our ports and our Nation as a whole makes her one of Congress’ acknowledged leaders on homeland security matters. I am pleased that we have been able to join forces on this important initiative.

Funding to date to address security needs at our ports has been woefully inadequate. The Coast Guard estimates that implementing the provisions of the Maritime Transportation Security Act and similar requirements for international port security will cost \$7.3 billion over the next decade. Yet, since MTSA was enacted, only the fiscal year 2005 budget request contained a line item for this crucial need, and that at a mere \$46 million. Although the Administration’s fiscal year 2006 budget request includes \$600 million for infrastructure protection, it does not contain a dedicated line item for port security grant funding.

As a point of comparison, the Transportation Security Administration’s fiscal year 2006 budget dedicates \$4.9 billion for aviation security. As Dr. Stephen Flynn of the Council on Foreign Relations testified at a Homeland Security and Governmental Affairs Committee hearing in January, port security has received approximately 5 cents on the dollar—with the remaining 95 cents going to aviation security.

The legislation we propose will break the hand-to-mouth cycle that ports have faced for years. It does the following: First, it creates a competitive grant program administered by the Office of State and Local Government Coordination and Preparedness at the Department of Homeland Security. This is the same office that administers the State Grant and Urban Area Security Initiative programs.

Second, under our bill, grant funds will be used to address port security

vulnerabilities identified through Area Maritime Transportation Security Plans, currently required by Federal statute, or through other DDS-sanctioned vulnerability assessments. In other words, grant dollars must be spent consistent with an established plan, not through a process divorced from efforts already underway.

Authorized uses of these grant funds include: acquiring, operating, and maintaining equipment that contributes to the overall security of the port area; conducting port-wide exercises to strengthen emergency preparedness; developing joint harbor operations centers to focus resources on port area security; implementing Area Maritime Transportation Security Plans; and covering the costs of additional security personnel during times of heightened alert levels.

Third, we require DHS to prioritize efforts to promote coordination among port stakeholders and integration of port-wide security, as well as information and intelligence sharing among first responders and federal, state, and local officials.

Fourth, we authorize funding for port security grants at \$400 million per year for fiscal years 2007 through 2012. This steady, dedicated stream of funding would represent a substantial down payment on the billions of dollars of port security needs identified by the Coast Guard. It is also the amount the American Association of Ports Authorities believes needs to be dedicated annually to port security in order to begin addressing serious vulnerabilities.

Under our bill, port security dollars will originate from duties collected by Customs and Border Protection, and—with exceptions made for small or extraordinary projects—recipients will be required to contribute 25 percent of the cost. This cost-sharing requirement has precedents in other transportation funding and will ensure the development of true partnerships between the federal government and grant recipients.

Fifth, our legislation includes strong accountability measures—including audits and reporting requirements—to ensure the grant funds awarded under the bill are properly accounted for and spent as intended.

This legislation does call for a major commitment of resources. I am confident, however, that my colleagues recognize, as I do, that this commitment is fully proportional to what is at stake.

Approximately 95 percent of our Nation's trade, worth nearly \$1 trillion, enters through one of our 361 seaports on board some 8,555 foreign vessels, which make more than 55,000 port calls per year. Clearly, an attack on the U.S. maritime transportation system could devastate our economy.

The potential for this devastation was amply demonstrated by the 2002 West Coast dock labor dispute, which cost our economy an estimated \$1 bil-

lion per day, affected operations in 29 West Coast ports, and harmed businesses throughout the country. An unanticipated and violent act against a cargo port could result in economic costs that are incalculable, not to mention a potential loss of life that would be horrifying.

Much of the discussion regarding port security revolves around the security of inbound containers. At his confirmation hearing, Homeland Security Secretary Chertoff stated that his major concern is the introduction into the United States of chemical, biological, radiological, nuclear, or explosive threats via a shipping container. Secretary Chertoff is absolutely correct in identifying this as a major vulnerability.

But there are many other threats against ports. Just last month, the State Department issued a warning concerning information that terrorists may attempt to mount a maritime attack using speedboats against a Western ship, possibly in East Africa. This isn't the first instance of this type of attack—the USS *Cole* in 2000 and the French tanker *Limberg* in 2002 were both attacked by this method. The repeated use of suicide bombers and truck bombs around the world also raises great concern about our ports, and the critical infrastructure and population centers located around them.

Coming from a State with a strong maritime tradition and vital maritime industry, I am keenly aware of what is at stake. Maine has three international cargo ports. Each is a vital and multifaceted part of our economy: State, regional, and even national.

The Port of Portland, for example, is the largest port by tonnage in New England and the largest oil port on the East Coast. Ninety percent of its foreign cargo was crude oil. In addition, Portland has a booming cruise-ship industry, a vigorous fishing fleet, and an international ferry terminal. This wide range of activity provides economic opportunity and also provides terrorism vulnerability.

It is not my intention to suggest that our security agencies and ports are at a standstill. Indeed, much has been done to improve port security. The Coast Guard's Sea Marshals program places armed units on ships at sea to ensure their safe arrival and departure. The Container Security Initiative Bureau of Customs and Border Protection works with foreign governments to target high-risk cargo and to prevent terrorists from exploiting cargo containers. Detailed information is now required on each ship and its passengers, crew, and cargo. To upgrade security at international ports, the United States worked with the International Maritime Organization for the adoption of the International Ship and Port Security Code, the first multilateral port security standard ever created.

It is, however, my intention to assert that we must do more to improve port

security on the front lines—the ports that line the harbor of cities and towns along our vast coastlines, the Great Lakes, our immense inland river network and in Alaska and Hawaii.

We observed this week two anniversaries that bear upon this issue. Monday was Patriot's Day, the 230th anniversary of the ride of Paul Revere. While I am not suggesting "one if by land, two if by sea" be adopted as a funding formula for homeland security, that famous phrase does remind us of the bond between security and transportation that has existed since our nation's very first days.

On a far more somber note, Tuesday was the 10th anniversary of Oklahoma City. As we paused to reflect on that horrific attack, we once again were confronted with the harsh reality that terrorists—whether foreign or domestic—will strike wherever they see vulnerability.

Our seaports are vulnerable. I urge my colleagues to join me in cosponsoring this legislation that will help deny terrorists an opportunity to strike at a vulnerable target.

By Mr. VOINOVICH (for himself and Mr. INHOFE):

S. 858. A bill to reauthorize Nuclear Regulatory Commission user fees, and for other purposes; to the Committee on Environmental and Public Works.

Mr. VOINOVICH. 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. 858

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 "Nuclear Fees Reauthorization Act of 2005".

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

Sec. 1. Short title; table of contents.

TITLE I—NRC USER FEES

Sec. 101. Nuclear Regulatory Commission user fees and annual charges.

TITLE II—NRC REFORM

Sec. 201. Treatment of nuclear reactor financial obligations.

Sec. 202. Period of combined license.

Sec. 203. Elimination of NRC antitrust reviews.

Sec. 204. Scope of environmental review.

Sec. 205. Medical isotope production.

Sec. 206. Cost recovery from government agencies.

Sec. 207. Conflicts of interest relating to contracts and other arrangements.

Sec. 208. Hearing procedures.

Sec. 209. Authorization of appropriations.

TITLE III—NRC HUMAN CAPITAL PROVISIONS

Sec. 301. Provision of support to university nuclear safety, security, and environmental protection programs.

Sec. 302. Promotional items.

Sec. 303. Expenses authorized to be paid by the Nuclear Regulatory Commission.

- Sec. 304. Nuclear Regulatory Commission scholarship and fellowship program.
- Sec. 305. Partnership program with institutions of higher education.
- Sec. 306. Elimination of pension offset for certain rehired Federal retirees.
- Sec. 307. Authorization of appropriations.

TITLE I—NRC USER FEES

SEC. 101. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES.

(a) IN GENERAL.—Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

- (1) in subsection (a)—
- (A) in paragraph (1), by striking “Except as provided in paragraph (3), the” and inserting “The”; and
- (B) by striking paragraph (3); and
- (2) in subsection (c)(2)—
- (A) in subparagraph (A)—
- (i) in clause (i), by striking “and” at the end;
- (ii) in clause (ii), by striking the period at the end and inserting “; and”; and
- (iii) by adding at the end the following:

“(iii) amounts appropriated to the Nuclear Regulatory Commission for the fiscal year for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (118 Stat. 2162; 50 U.S.C. 2601 note)”; and

(B) in subparagraph (B)(v), by inserting “and each fiscal year thereafter” after “2005”.

(b) NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.—Section 7601 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 2213) is repealed.

TITLE II—NRC REFORM

SEC. 201. TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.

Section 523 of title 11, United States Code, is amended by adding at the end the following:

“(f) TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.—Notwithstanding any other provision of this title—

“(1) any funds or other assets held by a licensee or former licensee of the Nuclear Regulatory Commission, or by any other person, to satisfy the responsibility of the licensee, former licensee, or any other person to comply with a regulation or order of the Nuclear Regulatory Commission governing the decontamination and decommissioning of a nuclear power reactor licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, other than a claim resulting from an activity undertaken to satisfy that responsibility, until the decontamination and decommissioning of the nuclear power reactor is completed to the satisfaction of the Nuclear Regulatory Commission;

“(2) obligations of licensees, former licensees, or any other person to use funds or other assets to satisfy a responsibility described in paragraph (1) may not be rejected, avoided, or discharged in any proceeding under this title or in any liquidation, reorganization, receivership, or other insolvency proceeding under Federal or State law; and

“(3) private insurance premiums and standard deferred premiums held and maintained in accordance with section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, until the indemnification agreement executed in accordance with section 170 c. of that Act (42 U.S.C. 2210(c)) is terminated.”

SEC. 202. PERIOD OF COMBINED LICENSE.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended by striking

“forty years” and inserting “40 years from the authorization to commence operations”.

SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.

Section 105 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2135(c)) is amended by adding at the end the following:

“(9) APPLICABILITY.—This subsection does not apply to an application for a license to construct or operate a utilization facility or production facility under section 103 or 104 b., if the application is filed on or after, or is pending on, the date of enactment of this paragraph.”

SEC. 204. SCOPE OF ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Chapter 10 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended—

- (1) by redesignating sections 110 and 111 as section 111 and 112, respectively; and
- (2) by inserting after section 109 the following:

“SEC. 110. SCOPE OF ENVIRONMENTAL REVIEW.

“In conducting any environmental review (including any activity conducted under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)) in connection with an application for a license or a renewed license under this chapter, the Commission shall not give any consideration to the need for, or any alternative to, the facility to be licensed.”

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by striking the item relating to section 110 and inserting the following:

“Sec. 110. Scope of environmental review.

“Sec. 111. Exclusions.

“Sec. 112. Licensing by Nuclear Regulatory Commission of distribution of certain materials by Department of Energy.”;

(2) Section 57 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) is amended in the last sentence by striking “section 111 b.” and inserting “section 112 b.”

(3) Section 131 a.(2)(C) of the Atomic Energy Act of 1954 (42 U.S.C. 2160(a)(2)(C)), by striking “section 111 b.” and inserting “section 112 b.”

(4) Section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842) is amended—

(A) by striking “section 110 a.” and inserting “section 111 a.”; and

(B) by striking “section 110 b.” and inserting “section 111 b.”

SEC. 205. MEDICAL ISOTOPE PRODUCTION.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended—

(1) by redesignating subsections a. and b. as subsections b. and a., respectively, and by moving subsection b. (as so redesignated) to the end of the section;

(2) in subsection b. (as so redesignated), by striking “b. The Commission” and inserting “b. RESTRICTIONS.—Except as provided in subsection c., the Commission”; and

(3) by adding at the end the following:

“c. MEDICAL ISOTOPE PRODUCTION.—

“(1) DEFINITIONS.—In this subsection:

“(A) MEDICAL ISOTOPE.—The term ‘medical isotope’ includes Molybdenum 99, Iodine 131, Xenon 133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic, therapeutic procedures or for research and development.

“(B) RADIOPHARMACEUTICAL.—The term ‘radiopharmaceutical’ means a radioactive isotope that—

“(i) contains byproduct material combined with chemical or biological material; and

“(ii) is designed to accumulate temporarily in a part of the body for therapeutic pur-

poses or for enabling the production of a useful image for use in a diagnosis of a medical condition.

“(C) RECIPIENT COUNTRY.—The term ‘recipient country’ means Belgium, Canada, France, Germany, and the Netherlands.

“(2) LICENSES.—The Commission may issue a license authorizing the export (including shipment to and use at intermediate and ultimate consignees specified in the license) to a recipient country of highly enriched uranium for medical isotope production if, in addition to any other requirements of this Act (except subsection b.), the Commission determines that—

“(A) a recipient country that supplies an assurance letter to the United States Government in connection with the consideration by the Commission of the export license application has informed the United States Government that any intermediate consignees and the ultimate consignee specified in the application are required to use the highly enriched uranium solely to produce medical isotopes; and

“(B) the highly enriched uranium for medical isotope production will be irradiated only in a reactor in a recipient country that—

“(i) uses an alternative nuclear reactor fuel; or

“(ii) is the subject of an agreement with the United States Government to convert to an alternative nuclear reactor fuel when alternative nuclear reactor fuel can be used in the reactor.

“(3) REVIEW OF PHYSICAL PROTECTION REQUIREMENTS.—

“(A) IN GENERAL.—The Commission shall review the adequacy of physical protection requirements that, as of the date of an application under paragraph (2), are applicable to the transportation and storage of highly enriched uranium for medical isotope production or control of residual material after irradiation and extraction of medical isotopes.

“(B) IMPOSITION OF ADDITIONAL REQUIREMENTS.—If the Commission determines that additional physical protection requirements are necessary (including a limit on the quantity of highly enriched uranium that may be contained in a single shipment), the Commission shall impose such requirements as license conditions or through other appropriate means.

“(4) FIRST REPORT TO CONGRESS.—

“(A) NATIONAL ACADEMY OF SCIENCES STUDY.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study to determine—

“(i) the feasibility of procuring supplies of medical isotopes from commercial sources that do not use highly enriched uranium;

“(ii) the current and projected demand and availability of medical isotopes in regular current domestic use;

“(iii) the progress that is being made by the Department of Energy and others to eliminate all use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities; and

“(iv) the potential cost differential in medical isotope production in the reactors and target processing facilities if the products were derived from production systems that do not involve fuels and targets with highly enriched uranium.

“(B) FEASIBILITY.—For the purpose of this subsection, the use of low enriched uranium to produce medical isotopes shall be determined to be feasible if—

“(i) low enriched uranium targets have been developed and demonstrated for use in the reactors and target processing facilities that produce significant quantities of medical isotopes to serve United States needs for such isotopes;

“(ii) sufficient quantities of medical isotopes are available from low enriched uranium targets and fuel to meet United States domestic needs; and

“(iii) the average anticipated total cost increase from production of medical isotopes in such facilities without use of highly enriched uranium is less than 10 percent.

“(C) REPORT BY THE SECRETARY.—Not later than 5 years after the date of enactment of the Nuclear Fees Reauthorization Act of 2005, the Secretary shall submit to Congress a report that—

“(i) contains the findings of the National Academy of Sciences made in the study under subparagraph (A); and

“(ii) discloses the existence of any commitments from commercial producers to provide domestic requirements for medical isotopes without use of highly enriched uranium consistent with the feasibility criteria described in subparagraph (B) not later than the date that is 4 years after the date of submission of the report.

“(5) SECOND REPORT TO CONGRESS.—If the study of the National Academy of Sciences determines under paragraph (4)(A)(i) that the procurement of supplies of medical isotopes from commercial sources that do not use highly enriched uranium is feasible, but the Secretary is unable to report the existence of commitments under paragraph (4)(C)(ii), not later than the date that is 6 years after the date of enactment of the Nuclear Fees Reauthorization Act of 2005, the Secretary shall submit to Congress a report that describes options for developing domestic supplies of medical isotopes in quantities that are adequate to meet domestic demand without the use of highly enriched uranium consistent with the cost increase described in paragraph (4)(B)(iii).

“(6) CERTIFICATION.—At such time as commercial facilities that do not use highly enriched uranium are capable of meeting domestic requirements for medical isotopes, within the cost increase described in paragraph (4)(B)(iii) and without impairing the reliable supply of medical isotopes for domestic utilization, the Secretary shall submit to Congress a certification to that effect.

“(7) SUNSET PROVISION.—After the Secretary submits a certification under paragraph (6), the Commission shall, by rule, terminate the review of the Commission of export license applications under this subsection.”.

SEC. 206. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking “for or is issued” and all that follows through “1702” and inserting “to the Nuclear Regulatory Commission for, or is issued by the Nuclear Regulatory Commission, a license or certificate”;

(2) by striking “483a” and inserting “9701”;

(3) by striking “, of applicants for, or holders of, such licenses or certificates”.

SEC. 207. CONFLICTS OF INTEREST RELATING TO CONTRACTS AND OTHER ARRANGEMENTS.

Section 170A b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210a(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking “b. The Commission” and inserting the following:

“b. EVALUATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Commission”; and

(3) by adding at the end the following:

“(2) NUCLEAR REGULATORY COMMISSION.—Notwithstanding any conflict of interest, the Nuclear Regulatory Commission may enter into a contract, agreement, or arrangement

with the Department of Energy or the operator of a Department of Energy facility, if the Nuclear Regulatory Commission determines that—

“(A) the conflict of interest cannot be mitigated; and

“(B) adequate justification exists to proceed without mitigation of the conflict of interest.”.

SEC. 208. HEARING PROCEDURES.

Section 189 a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

“(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures unless the Commission determines that formal adjudicatory procedures are necessary—

“(i) to develop a sufficient record; or

“(ii) to achieve fairness.”.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title and the amendments made by this title such sums as are necessary for fiscal year 2006 and each subsequent fiscal year.

TITLE III—NRC HUMAN CAPITAL PROVISIONS

SEC. 301. PROVISION OF SUPPORT TO UNIVERSITY NUCLEAR SAFETY, SECURITY, AND ENVIRONMENTAL PROTECTION PROGRAMS.

Section 31 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(b)) is amended—

(1) by striking “b. The Commission is further authorized to make” and inserting the following:

“b. GRANTS AND CONTRIBUTIONS.—The Commission is authorized—

“(1) to make”;

(2) in paragraph (1) (as designated by paragraph (1)) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(2) to provide grants, loans, cooperative agreements, contracts, and equipment to institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) to support courses, studies, training, curricula, and disciplines pertaining to nuclear safety, security, or environmental protection, or any other field that the Commission determines to be critical to the regulatory mission of the Commission.”.

SEC. 302. PROMOTIONAL ITEMS.

Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

“SEC. 170C. PROMOTIONAL ITEMS.

“The Commission may purchase promotional items of nominal value for use in the recruitment of individuals for employment.”.

SEC. 303. EXPENSES AUTHORIZED TO BE PAID BY THE NUCLEAR REGULATORY COMMISSION.

Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 302) is amended by adding at the end the following:

“SEC. 170D. EXPENSES AUTHORIZED TO BE PAID BY THE COMMISSION.

“The Commission may—

“(1) pay transportation, lodging, and subsistence expenses of employees who—

“(A) assist scientific, professional, administrative, or technical employees of the Commission; and

“(B) are students in good standing at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) pursuing courses related to the field in which the students are employed by the Commission; and

“(2) pay the costs of health and medical services furnished, pursuant to an agreement

between the Commission and the Department of State, to employees of the Commission and dependents of the employees serving in foreign countries.”.

SEC. 304. NUCLEAR REGULATORY COMMISSION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

Chapter 19 of the Atomic Energy Act of 1954 is amended by inserting after section 242 (42 U.S.C. 2015a) the following:

“SEC. 243. SCHOLARSHIP AND FELLOWSHIP PROGRAM.

“(a) SCHOLARSHIP PROGRAM.—To enable students to study, for at least 1 academic semester or equivalent term, science, engineering, or another field of study that the Commission determines is in a critical skill area related to the regulatory mission of the Commission, the Commission may carry out a program to—

“(1) award scholarships to undergraduate students who—

“(A) are United States citizens; and

“(B) enter into an agreement under subsection (c) to be employed by the Commission in the area of study for which the scholarship is awarded.

“(b) FELLOWSHIP PROGRAM.—To enable students to pursue education in science, engineering, or another field of study that the Commission determines is in a critical skill area related to its regulatory mission, in a graduate or professional degree program offered by an institution of higher education in the United States, the Commission may carry out a program to—

“(1) award fellowships to graduate students who—

“(A) are United States citizens; and

“(B) enter into an agreement under subsection (c) to be employed by the Commission in the area of study for which the fellowship is awarded.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—As a condition of receiving a scholarship or fellowship under subsection (a) or (b), a recipient of the scholarship or fellowship shall enter into an agreement with the Commission under which, in return for the assistance, the recipient shall—

“(A) maintain satisfactory academic progress in the studies of the recipient, as determined by criteria established by the Commission;

“(B) agree that failure to maintain satisfactory academic progress shall constitute grounds on which the Commission may terminate the assistance;

“(C) on completion of the academic course of study in connection with which the assistance was provided, and in accordance with criteria established by the Commission, engage in employment by the Commission for a period specified by the Commission, that shall be not less than 1 time and not more than 3 times the period for which the assistance was provided; and

“(D) if the recipient fails to meet the requirements of subparagraph (A), (B), or (C), reimburse the United States Government for—

“(i) the entire amount of the assistance provided the recipient under the scholarship or fellowship; and

“(ii) interest at a rate determined by the Commission.

“(2) WAIVER OR SUSPENSION.—The Commission may establish criteria for the partial or total waiver or suspension of any obligation of service or payment incurred by a recipient of a scholarship or fellowship under this section.

“(d) COMPETITIVE PROCESS.—Recipients of scholarships or fellowships under this section shall be selected through a competitive process primarily on the basis of academic merit and such other criteria as the Commission may establish, with consideration given

to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b).

“(e) DIRECT APPOINTMENT.—The Commission may appoint directly, with no further competition, public notice, or consideration of any other potential candidate, an individual who has completed the academic program for which a scholarship or fellowship was awarded by the Commission under this section.”.

SEC. 305. PARTNERSHIP PROGRAM WITH INSTITUTIONS OF HIGHER EDUCATION.

Chapter 19 of the Atomic Energy Act of 1954 (42 U.S.C. 2015 et seq.) (as amended by section 304) is amended by inserting after section 243 the following:

“SEC. 244. PARTNERSHIP PROGRAM WITH INSTITUTIONS OF HIGHER EDUCATION.

“(a) DEFINITIONS.—In this section:

“(1) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(2) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(3) TRIBAL COLLEGE.—The term ‘Tribal college’ has the meaning given the term ‘tribally controlled college or university’ in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

“(b) PARTNERSHIP PROGRAM.—The Commission may establish and participate in activities relating to research, mentoring, instruction, and training with institutions of higher education, including Hispanic-serving institutions, historically Black colleges or universities, and Tribal colleges, to strengthen the capacity of the institutions—

“(1) to educate and train students (including present or potential employees of the Commission); and

“(2) to conduct research in the field of science, engineering, or law, or any other field that the Commission determines is important to the work of the Commission.”.

SEC. 306. ELIMINATION OF PENSION OFFSET FOR CERTAIN REHIRED FEDERAL RETIREES.

Chapter 14 of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by sections 302 and 303) is amended by adding at the end the following:

“SEC. 170E. ELIMINATION OF PENSION OFFSET FOR CERTAIN REHIRED FEDERAL RETIREES.

“(a) IN GENERAL.—The Commission may waive the application of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant—

“(1) in a position of the Commission for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

“(2) when a temporary emergency hiring need exists.

“(b) PROCEDURES.—The Commission shall prescribe procedures for the exercise of authority under this section, including—

“(1) criteria for any exercise of authority; and

“(2) procedures for a delegation of authority.

“(c) EFFECT OF WAIVER.—An employee as to whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter II of chapter 83, or chapter 84, of title 5, United States Code.”.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title and amendments made

by this title such sums as may be necessary for fiscal year 2006 and each fiscal year thereafter.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. SMITH, Ms. STABENOW, Mr. ALLARD, and Mr. SARBANES):

S. 859. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce the Community Development Homeownership Tax Credit Act. I am very pleased to be joined in this effort by Senators KERRY, SMITH, STABENOW, ALLARD, and SARBANES, who are original cosponsors of this legislation.

Homeownership is a key component of the American Dream. Many people around this country dream of and plan for the day they can buy a home of their own in which to raise their children, to settle down in a community, and to build equity and wealth. They see the importance of homeownership and the stability it can bring to families and neighborhoods. It is often homeownership that financially anchors American families and civically anchors our communities. But I believe our focus on homeownership also returns our attention to the basic ideals of the American Dream. Ensuring access to homeownership is among the most significant ways we can empower our citizens to achieve the happy, productive and stable lifestyle everyone desires.

Having a house of one's own that provides security and comfort to one's family and that gives families an active, vested interest in the quality of life their community provides is central to our collective ideas about freedom and self-determination. As a nation, we know that homeownership helps the emotional and intellectual growth and development of children. We know that homeowners show greater interest and more frequent participation in civic organizations and neighborhood issues. We know that when people own homes, they are more likely to accumulate wealth and assets and to prepare themselves financially for such things as their children's education and retirement.

In America today, homeownership is at a record high. Unfortunately, there remains a significant homeownership gap between minority and non-minority populations, leaving homeownership an elusive financial prospect for many. According to the Census Bureau, in 2004, the homeownership rate for non-Hispanic whites reached 76 percent, compared to 49.1 percent for African-Americans and 48.1 percent for Hispanics or Latinos.

The bill I introduce today enjoys strong bipartisan support in the Senate and will encourage increased homeownership rates, more stable neighborhoods and strong communities. This

legislation would give developers and investors an incentive to participate in the rehabilitation and construction of homes for low- and moderate-income buyers. It will also spur economic development in low- and moderate-income communities across our country and provide an important stimulus for the development of our nation's economy.

This proposal is modeled after the very successful low-income rental tax credit. It will allow states to allocate tax credits to developers and investors to construct or substantially rehabilitate homes in economically disadvantaged communities, including rural areas, for sale to low- or moderate-income buyers. These tax credits will help bridge the gap between the cost of developing affordable housing and the price at which these homes can be sold to eligible buyers in low-income neighborhoods where housing is scarce. It provides investors with a tax credit of up to 50 percent of the cost of home construction or rehabilitation. It is estimated that this legislation will encourage the construction and substantial rehabilitation of up to 500,000 homes for low- and moderate-income families in economically distressed areas over the next ten years.

President Bush has long supported the creation of a homeownership tax credit as have the majority of both the House and Senate in the last Congress. This proposal also has the backing of a large and broad coalition of housing-related groups, including the National Association of Home Builders, the National Council of State Housing Agencies, and the National Association of Realtors. In addition, this initiative has the backing of major non-profit groups, including Habitat for Humanity, as well as the Local Initiatives Support Corporation and the Enterprise Foundation.

This important legislation addresses a key issue facing many Americans today, housing affordability. It also addresses the community development needs of many neighborhoods. It continues to have strong bipartisan support, and I am hopeful that it will be enacted this year. I ask my colleagues to join me in supporting homeownership by cosponsoring this legislation.

By Mr. ALEXANDER (for himself and Mr. KENNEDY):

S. 860. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am introducing the “American History Achievement Act” and am pleased to be joined in this effort by the senior Senator from Massachusetts. This is part of my effort to put the teaching of American history and civics back in its rightful place in our

schools so our children can grow up learning what it means to be an American.

The “American History Achievement Act” gives the National Assessment Governing Board (NAGB) the authority to administer a ten State pilot study of the National Assessment of Education Progress (NAEP) test in U.S. history in 2006. They already have that authority for reading, math, science, and writing. The bill also includes a new provision that would permit a 10-state pilot study for the Civics NAEP test if funding is available.

This modest bill provides for improved testing of American history so that we can determine where history is being taught well—and where it is being taught poorly—so that improvements can be made. We also know that when testing is focused on a specific subject, states and school districts are more likely to step up to the challenge and improve performance.

We could certainly use improvement in the teaching of American history. According to the National Assessment of Education Progress (NAEP), commonly referred to as the “Nation’s Report Card,” fewer students have just a basic understanding of American history than have a basic understanding of any other subject which we test—including math, science, and reading. When you look at the national report card, American history is our children’s worst subject.

Yet, according to recent poll results, the exact opposite outcome is desired by the American people. Hart-Teeter conducted a poll last year of 1300 adults for the Educational Testing Service (ETS), where they asked what the principal goal of education should be. The top response was “producing literate, educated citizens who can participate in our democracy.” Twenty-six percent of respondents felt that should be our principal goal. “Teach basics: math, reading, writing” was selected by only 15 percent as the principal goal of education. You can’t be an educated participant in our democracy if you don’t know our history.

Our children don’t know American history because they are not being taught it. For example, the state of Florida recently passed a bill permitting high school students to graduate without taking a course in U.S. history.

And when our children are being taught our history, they’re not learning what’s most important. According to Harvard scholar Samuel Huntington, “A 1987 study of high school students found that more knew who Harriet Tubman was than knew that Washington commanded the American army in the Revolution or that Abraham Lincoln wrote the Emancipation Proclamation.” Now I’m all for teaching about the history of the Underground Railroad—my ancestor, the Reverend John Rankin, like Harriet Tubman, was a conductor on the Underground Railroad—but surely chil-

dren ought to learn first about the most critical leaders and events in the Revolution and the Civil War.

Let me give a few examples of just how bad things have gotten:

The 4th grade NAEP test asks students to identify the following passage: “We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. . . .” Students were given four choices for the source of that passage: (a) Constitution, (b) Mayflower Compact, (c) Declaration of Independence, and (d) Article of the Confederation.

Only 46 percent of students answered correctly that it came from the Declaration of Independence. The Declaration is the fundamental document for the founding of our Nation, but less than half the students could identify that famous passage from it.

The 8th grade test asks students to “Imagine you could use a time machine to visit the past. You have landed in Philadelphia in the summer of 1776. Describe an important event that is happening.” Nearly half the students—46 percent were not able to answer the question correctly that the Declaration of Independence was being signed. They must wonder why the Fourth of July is Independence Day.

We can’t allow this to continue. Our children are growing up without even learning the basics of our Nation’s history. Something has to be done. This legislation aims to help in that effort.

The pilot program authorized in the bill should collect enough data to attain a state-by-state comparison of 8th and 12th grades student’s knowledge and understanding of U.S. history. That data will allow us to know which States are doing a better job of teaching American history and allow other States to model their programs on those that are working well. It will also put a spotlight on American history that should encourage States and school districts to improve their efforts at teaching the subject.

I suspect that the pilot program will tell us that history programs like those of the House Page School, right here on Capitol Hill, are the model to follow. On January 25, the College Board announced that the House page school ranked first in the Nation among institutions with fewer than 500 pupils for the percentage of the student body who achieved college-level mastery on the advanced placement exam in U.S. history. The page school achieved this result not only by teaching American history, but also because teachers highlight American history in all of their classes—from science to literature—as well as taking students on field trips around the Washington area, from Monticello to the American History Museum here in Washington, to historical sites in Philadelphia. The House Page School’s success is evidence that we can succeed in teaching

our children the history of this great Nation. I suspect we will uncover more effective models for the teaching of American history with the enactment of this legislation.

Our children are growing up ignorant of our Nation’s history. Yet a recent poll tells us that Americans believe the principal goal of education is “producing literate, educated citizens who can participate in our democracy.” It is time to put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American. This bill takes us one step closer to achieving that noble goal. I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, I’m pleased to join Senator ALEXANDER again this year in introducing the American History Achievement Act. This bill is part of a continuing effort to renew the national commitment to teaching history and civics in the Nation’s public schools. It lays the foundation for more effective ways of teaching children about the Nation’s past and the value of civic responsibility. It contains no new requirements for schools, but it does offer a more frequent and effective analysis of how America’s schoolchildren are learning these important subjects.

Our economy and our future security rely on good schools that help students develop specific skills, such as reading and math. But the strength of our democracy and our standing in the world also depend on ensuring that children have a basic understanding of the nation’s past and what it takes to engage in our democracy. An appreciation for the defining events in our nation’s history can be a catalyst for civic involvement.

Helping to instill appreciation of America’s past—and teaching the values of justice, equality, and civic responsibility—should be an important mission of public schools. Thanks to the hard work of large numbers of history and civics teachers in classrooms throughout America, we’re making progress. Results from the most recent assessment under the NAEP show that fourth and eighth graders are improving their knowledge of U.S. history. Research conducted in history classrooms shows that children are using primary sources and documents more often to explore history, and are being assigned historical and biographical readings by their teachers more frequently.

But much more remains to be done to advance the understanding of both of these subjects, and see to it that they are not left behind in classrooms.

A recent study by Dr. Sheldon Stern—the Chief Historian Emeritus at my brother’s Presidential Library—suggests that State standards for teaching American history need improvement. His research reveals that 22 States have American history standards that are either weak or lack clear

chronology, appropriate political and historical context, or sufficient information about real events and people. As many as 9 States still have no standards at all for American history.

Good standards matter. They're the foundation for teaching and learning in every school. With the right resources, time, and attention, it's possible to develop creative and effective history standards in every State. Massachusetts began to work on this effort in 2000, through a joint review of history standards that involved teachers, administrators, curriculum coordinators, and university professors. After monthly meetings and three years of development and revision, the state released a new framework for teaching history in 2003. Today, our standards in American history and World history receive the highest marks.

School budget problems at the local level are also a serious threat to these goals.

Other accounts report that schools are narrowing their curriculums away from the social sciences, arts, and humanities, in favor of a more concentrated approach to the teaching of reading and math in order to meet the strict standards of the No Child Left Behind Act.

Meeting high standards in reading and math is important, but it should not come at the expense of scaling back teaching in other core subjects such as history and civics. Integrating reading and math with other subjects often gives children a better way to master literacy and number skills, even while learning in a history, geography, or government lesson. That type of innovation deserves special attention in our schools. Making it happen requires added investments in teacher preparation and teacher mentoring, so that teachers are well prepared to use interdisciplinary methods in their lesson plans.

Our bill today takes several important steps to strengthen the teaching of American history and civics, and raise the standing of these subjects in school curriculums. Through changes to the National Assessment for Educational Progress, schools will be better able to achieve success on this important issue.

First, we propose a more frequent national assessment of children in American history under the NAEP. For years, NAEP has served as the gold standard for measuring the progress of students and reporting on that progress. Students last participated in the U.S. history NAEP in 2001, and that assessment generated encouraging results. But the preceding assessment with which we can compare data—was administered in 1994—too long before to be of real assistance.

It makes sense to measure the knowledge and skills of children more frequently. This bill would place priority on administering the national U.S. history NAEP assessment, to generate a more timely picture of student

progress. We should have an idea of children's knowledge and skills in American history more often than every 6 or 7 years, in order to address gaps in learning.

The bill also proposes a leap forward to strengthen State standards in American history and civics, through a new State-level pilot assessment of these subjects under NAEP. The assessment would be conducted on an experimental basis in 10 States, in grades 8 and 12. The National Assessment Governing Board would ensure that States with model standards, as well as those that are still under development, participate in this assessment.

Moving NAEP to the State level does not carry any high stakes for schools. But it will provide an additional benchmark for States to develop and improve their standards. It's our hope that states will also be encouraged to undertake improvements in their history curricula and in their teaching of civics, and ensure that both subjects are a beneficiary and not a victim of school reform.

America's past encompasses great leaders and great ideas that contributed to our heritage and to the principles of freedom, equality, justice, and opportunity for all. Today's students will be better citizens in the future if they learn more about that history and about the skills needed to participate in our democracy. The American History Achievement Act is an important effort toward that goal, and I encourage my colleagues to support it.

By Mr. ISAKSON (for himself and Mr. ROCKEFELLER):

S. 861. A bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes; to the Committee on Finance.

Mr. ISAKSON. Mr. President, today I join with Senator ROCKEFELLER to introduce the Employee Pension Preservation Act of 2005. This bill seeks to eliminate the threat that airline employees are facing to their earned pensions as a result of funding laws that make pension funding schedule volatile and unpredictable. The Employee Pension Preservation Act of 2005 would allow their employers to make the required pension payments in a more predictable and manageable way. This common sense, industry specific approach is supported by airline employees and their employers.

We are giving airlines the ability to fund their pension obligations to their employees on a more manageable and stabilized 25-year schedule using stable long-term assumptions. It is analogous to refinancing a short-term adjustable rate mortgage to a more predictable long-term fixed rate mortgage. It protects the interests of the American taxpayer by capping the Pension Benefit Guarantee Corporation's liabilities at current levels, and ensures that a uniform evenhanded policy is taken

with respect to the entire industry. Finally, this must be a joint decision made by the airline and its employees.

We are establishing a payment schedule for unfunded liabilities that is both affordable and practical, while properly protecting the interests of airline employees, airlines, and the American taxpayer. I commend Senator ROCKEFELLER for joining me in introducing this important legislation, and look forward to its passage so that we can provide stability to airline employees with regards to the funding of their earned pensions.

Mr. ROCKEFELLER. Mr. President, the U.S. airline industry continues to teeter on the brink of financial collapse. The industry lost over \$9 billion in 2004 and the airlines are expected to lose another \$1.9 billion in 2005. Our Nation cannot afford to let this vital part of our economy collapse. Our economic prosperity is tied to a healthy and growing aviation industry.

As we saw after the events of September 11, 2001, the shutdown of our aviation systems caused a massive disruption to the flow of people and goods throughout the world. Without a healthy airline industry, our economy will not grow. I do not believe the significance of aviation to our economy can be overstated. I do not think many in Congress and across the country realize that over 10 million people are employed directly in the aviation industry. For every job in the aviation industry, 15 related jobs are produced. In my State of West Virginia, aviation represents \$3.4 billion of the State's gross domestic product and directly and indirectly employs 51,000 people.

The airline industry has been hard hit in recent years by high oil prices, weak revenue, and low fare competition. Since 2001, the airline industry has lost more than \$30 billion collectively, and while aviation analysts expect 2005 will be a significant improvement over recent years, most estimates assume oil prices drop significantly from current levels—a matter that increasingly remains in doubt.

Many airlines have aggressively cut costs through a number of means, most notably by reducing labor expenditures and through decreasing capacity by cutting flight frequencies, using smaller aircraft, or eliminating service to some communities.

Despite the airlines' efforts, they have not been able to return to financial stability. The Federal Government is faced with serious and difficult choices in how to ensure both the short-term and long-term viability of the Nation's aviation industry. The one choice we do not have is the choice not to act. Although Congress cannot restore profitability to the airline industry with a law, we can create the atmosphere for the industry to succeed, grow, and bring people back to work. If we fail to act, tens of thousands of employees will lose their jobs on top of the 200,000 that have already lost their jobs, small communities will lose their

air service, and the United States will lose its global leadership in aviation.

One of the greatest threats to the future financial viability of the airlines is pension funding. Congress needs to reform the pension rules to provide the tools airlines need to maintain their pension plans. As a step in the right direction, I am pleased to introduce legislation today with Senator ISAKSON that protects the retirement plans airline employees depend on.

The Employee Pension Preservation Act of 2005 provides critical pension funding relief to the commercial airline industry by allowing the airlines to fund their pension obligations over a 25-year time horizon. Last year, recognizing that the airlines were facing extraordinary circumstances, Congress provided airlines a temporary reprieve from deficit reduction contributions.

However, when that temporary relief expires at the end of the year, airlines will face immediate and crushing pension bills. Congress needs to provide permanent, appropriate remedies that enable airlines to maintain their pension plans. If we do not provide any flexibility in paying the pension obligations, then certainly more airlines will be forced to terminate their plans altogether. The legislation that Senator ISAKSON and I are offering enables airlines to meet all of their pension obligations on a reasonable schedule.

Some people may worry that by granting airlines an extended payment period we are increasing the risks to the Pension Benefit Guaranty Corporation, which insures the airlines' defined benefit plans. However, I am hopeful that by making the funding rules more flexible this bill will actually decrease the likelihood that pension plans will be terminated and the PBGC saddled with unfunded obligations. Let me be clear, this legislation requires airlines to fully fund all of their past and future pension promises. It merely provides a more reasonable schedule for recovering from the recent downturn that hurt many pension plans.

Moreover, the bill includes provisions to limit the liability potentially faced by the Government insurance agency. In contrast to the status quo, any pension plans that take advantage of the funding relief offered by our legislation would accrue no additional PBGC obligation. To the extent that any additional pension benefits are earned by employees, the benefits would have to be immediately and fully funded by the employer.

As a member of the Senate Finance Committee, I have been working for years to improve our defined benefit pension system. I recognize that there are few easy answers or quick fixes. And I do not suggest that the legislation we are introducing today is a silver bullet for the airlines' defined benefit plans. Still, I am pleased to support this bill because it is a responsible compromise agreed to by both the labor and management representatives in the airline industry. That is very

important to me, because this legislation will require some difficult sacrifices especially on the part of workers who may no longer accrue guaranteed benefits. While I have reservations about any agreement to limit the PBGC guarantee of pensions, I have been assured that in this particular case employees support this compromise and see it as the best opportunity to save their hard earned retirement benefits.

I hope that my colleagues will carefully examine this proposal and join Senator ISAKSON and me in a debate about how we can better secure the pensions of airline employees. I appreciate that our legislation is not likely to pass the Congress without negotiation and compromise. Indeed, I welcome opportunities to improve this legislation. But I do not believe that we can ignore the plight that the airlines face, and I will work to enact prudent reforms as soon as possible.

By Mr. CONRAD (for himself, Mr. ALLEN, Mr. ALEXANDER, Mr. BAUCUS, Mr. BINGAMAN, Mr. CHAFEE, Mr. COCHRAN, Mr. CORZINE, Mr. CRAIG, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HAGEL, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MCCAIN, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. STEVENS, and Mr. WARNER):

S. 863. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CONRAD. Mr. President, I am pleased to introduce, with Senator ALLEN, and 27 of our colleagues, the Theodore Roosevelt Commemorative Coin Act, which would commemorate the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt. This bill authorizes the Secretary of the Treasury to mint and issue coins bearing the likeness of Theodore Roosevelt. The sales of these coins would support programs to educate the public about the impressive achievements of our 26th President.

President Roosevelt is one of our most celebrated presidents. Among his many achievements, Roosevelt received the Congressional Medal of Honor for leading a daring charge up San Juan Hill, which turned the tide in that battle near Santiago, Cuba.

North Dakota has a special connection with Theodore Roosevelt. Roosevelt liked to say that the years he spent in the Badlands of North Dakota were the best of his life. He even attributed his success as President to his experiences as a hunter and rancher in western North Dakota.

It is with great pride that I introduce the Theodore Roosevelt Commemora-

tive Coin Act, which honors President Roosevelt's foreign policy achievements and commitment to conservation in this country. In particular, the bill highlights his success in drawing up the 1905 peace treaty ending the Russo-Japanese War. This accomplishment earned him the 1906 Nobel Peace Prize—making him the first citizen of the United States to receive the Peace Prize. The bill also pays tribute to his enduring respect for our nation's wildlife and natural resources. During his tenure as President, Roosevelt established 51 Bird Reserves, 4 Game Preserves, 150 National Forests, 5 National Parks, and 18 National Monuments, totaling nearly 230 million acres of land placed under public protection.

It is fitting that the proceeds from the surcharge associated with the coin be used for educational programs at two very important sites in the life of Theodore Roosevelt—his home in New York, Sagamore Hill National Historic Site, and the national park that bears his name and honors his conservation efforts, Theodore Roosevelt National Park, located in Medora, North Dakota. These two sites played a significant role in the development of Teddy Roosevelt's policies and offered him refuge away from the stress associated with public life.

As a North Dakotan and an American, it is my hope that this bill will renew interest in the life of Theodore Roosevelt. Roosevelt's courage, patriotism, optimism, and spirit reflect what is best about our country, and he is remembered not only as a great statesman, but also a friend to the environment. I encourage my colleagues to support this important legislation to honor Theodore Roosevelt's contributions to U.S. foreign and domestic policy and build upon his efforts to promote respect for our Nation's lands.

By Mr. INHOFE (for himself and Mr. VOINOVICH):

S. 864. A bill to amend the Atomic Energy Act of 1954 to modify provisions relating to nuclear safety and security, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. 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. 864

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 "Nuclear Safety and Security Act of 2005".

SEC. 2. DEFINITION OF COMMISSION.

In this Act, the term "Commission" means the Nuclear Regulatory Commission.

SEC. 3. GENERAL PROVISIONS.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended—

(1) by striking "SEC. 161" and all that follows through "authorized to—" and inserting the following:

“SEC. 161. GENERAL PROVISIONS.”;

(2) in each of subsections a., b., c., d., e., f., h., i., j., m., n., o., p., s., t., v., and w., by inserting “In carrying out the duties of the Commission, the Commission may” after the subsection designation;

(3) in subsection u., by striking “(1) enter into” and inserting “In carrying out the duties of the Commission, the Commission may—

“(1) enter into”;

(4) in subsection x., by striking “Establish” and inserting “In carrying out the duties of the Commission, the Commission may establish”;

(5) in each of subsections a., b., c., d., e., f., h., i., j., m., n., s., and v., by striking the semicolon at the end and inserting a period;

(6) in subsection o., by striking “; and” at the end and inserting a period;

(7) in subsection t., by striking the semicolon at the end; and

(8) by indenting each subdivision appropriately.

SEC. 4. USE OF FIREARMS BY SECURITY PERSONNEL.

The Atomic Energy Act of 1954 is amended by inserting after section 161 (42 U.S.C. 2201) the following:

“SEC. 161A. USE OF FIREARMS BY SECURITY PERSONNEL.

“(a) DEFINITIONS.—In this section, the terms ‘handgun’, ‘rifle’, ‘shotgun’, ‘firearm’, ‘ammunition’, ‘machinegun’, ‘short-barreled shotgun’, and ‘short-barreled rifle’ have the meanings given the terms in section 921(a) of title 18, United States Code.

“(b) AUTHORIZATION.—Notwithstanding subsections (a)(4), (a)(5), (b)(2), (b)(4), and (c) of section 922 of title 18, United States Code, section 925(d)(3) of title 18, United States Code, section 5844 of the Internal Revenue Code of 1986, and any law (including regulations) of a State or a political subdivision of a State that prohibits the transfer, receipt, possession, transportation, importation, or use of a handgun, a rifle, a shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for any such gun or weapon, or a large capacity ammunition feeding device, in carrying out the duties of the Commission, the Commission may authorize the security personnel of any licensee or certificate holder of the Commission (including an employee of a contractor of such a licensee or certificate holder) to transfer, receive, possess, transport, import, and use 1 or more such guns, weapons, ammunition, or devices, if the Commission determines that—

“(1) the authorization is necessary to the discharge of the official duties of the security personnel; and

“(2) the security personnel—

“(A) are not otherwise prohibited from possessing or receiving a firearm under Federal or State laws relating to possession of firearms by a certain category of persons;

“(B) have successfully completed any requirement under this section for training in the use of firearms and tactical maneuvers;

“(C) are engaged in the protection of—

“(i) a facility owned or operated by a licensee or certificate holder of the Commission that is designated by the Commission; or

“(ii) radioactive material or other property owned or possessed by a licensee or certificate holder of the Commission, or that is being transported to or from a facility owned or operated by such a licensee or certificate holder, and that has been determined by the Commission to be of significance to the common defense and security or public health and safety; and

“(D) are discharging the official duties of the security personnel in transferring, re-

ceiving, possessing, transporting, or importing the weapons, ammunition, or devices.

“(c) BACKGROUND CHECKS.—A person that receives, possesses, transports, imports, or uses a weapon, ammunition, or a device under subsection (b) shall be subject to a background check by the Attorney General, based on fingerprints and including a background check under section 103(b) of the Brady Handgun Violence Prevention Act (Public Law 103-159; 18 U.S.C. 922 note) to determine whether the person is prohibited from possessing or receiving a firearm under Federal or State law.

“(d) EFFECTIVE DATE.—This section takes effect on the date on which regulations are promulgated by the Commission, with the approval of the Attorney General, to carry out this section.”

SEC. 5. FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECKS.

Section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169) is amended—

(1) in subsection a.—

(A) by striking “a. The Nuclear” and all that follows through “section 147.” and inserting the following:

“a.(1)(A)(i) The Commission shall require each individual or entity described in clause (ii) to fingerprint each individual described in subparagraph (B) before the individual described in subparagraph (B) is permitted access under subparagraph (B).

“(ii) The individuals and entities referred to in clause (i) are individuals and entities that, on or before the date on which an individual is permitted access under subparagraph (B)—

“(I) are licensed or certified to engage in an activity subject to regulation by the Commission;

“(II) have filed an application for a license or certificate to engage in an activity subject to regulation by the Commission; or

“(III) have notified the Commission in writing of an intent to file an application for licensing, certification, permitting, or approval of a product or activity subject to regulation by the Commission.

“(B) The Commission shall require to be fingerprinted any individual who—

“(i) is permitted unescorted access to—

“(I) a utilization facility; or

“(II) radioactive material or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks; or

“(ii) is permitted access to safeguards information under section 147.”;

(B) by striking “All fingerprints obtained by a licensee or applicant as required in the preceding sentence” and inserting the following:

“(2) All fingerprints obtained by an individual or entity as required in paragraph (1);”;

(C) by striking “The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant.” and inserting the following:

“(3) The costs of an identification or records check under paragraph (2) shall be paid by the individual or entity required to conduct the fingerprinting under paragraph (1)(A).”; and

(D) by striking “Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to licensee or applicant submitting such fingerprints.” and inserting the following:

“(4) Notwithstanding any other provision of law—

“(A) the Attorney General may provide any result of an identification or records check under paragraph (2) to the Commission; and

“(B) the Commission, in accordance with regulations prescribed under this section, may provide the results to the individual or entity required to conduct the fingerprinting under paragraph (1)(A).”;

(2) in subsection c.—

(A) by striking “, subject to public notice and comment, regulations—” and inserting “requirements—”; and

(B) in paragraph (2)(B), by striking “unescorted access to the facility of a licensee or applicant” and inserting “unescorted access to a utilization facility, radioactive material, or other property described in subsection a.(1)(B).”;

(3) by redesignating subsection d. as subsection e.; and

(4) by inserting after subsection c. the following:

“d. The Commission may require a person or individual to conduct fingerprinting under subsection a.(1) by authorizing or requiring the use of any alternative biometric method for identification that has been approved by—

“(1) the Attorney General; and

“(2) the Commission, by regulation.”.

SEC. 6. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229 of the Atomic Energy Act of 1954 (42 U.S.C. 2278a) is amended—

(1) by striking “SEC. 229. TRESPASS UPON COMMISSION INSTALLATIONS.—” and inserting the following:

“SEC. 229. TRESPASS ON COMMISSION INSTALLATIONS.”;

(2) by adjusting the indentations of subsections a., b., and c. so as to reflect proper subsection indentations; and

(3) in subsection a.—

(A) in the first sentence, by striking “a. The” and inserting the following:

“a.(1) The”;

(B) in the second sentence, by striking “Every” and inserting the following:

“(2) Every”; and

(C) in paragraph (1) (as designated by subparagraph (A))—

(i) by striking “or in the custody” and inserting “in the custody”; and

(ii) by inserting “, or subject to the licensing authority of the Commission or certification by the Commission under this Act or any other Act” before the period.

SEC. 7. SABOTAGE OF NUCLEAR FACILITIES, FUEL, OR DESIGNATED MATERIAL.

(a) IN GENERAL.—Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking “storage facility” and inserting “treatment, storage, or disposal facility”;

(2) in paragraph (3)—

(A) by striking “such a utilization facility” and inserting “a utilization facility licensed under this Act”; and

(B) by striking “or” at the end;

(3) in paragraph (4)—

(A) by striking “facility licensed” and inserting “, uranium conversion, or nuclear fuel fabrication facility licensed or certified”; and

(B) by striking the comma at the end and inserting a semicolon; and

(4) by inserting after paragraph (4) the following:

“(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, uranium conversion, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the destruction or damage caused or attempted to

be caused could adversely affect public health and safety during the operation of the facility;

“(6) any primary facility or backup facility from which a radiological emergency preparedness alert and warning system is activated; or

“(7) any radioactive material or other property subject to regulation by the Commission that, before the date of the offense, the Commission determines, by order or regulation published in the Federal Register, is of significance to the public health and safety or to common defense and security;”.

(b) CONFORMING AMENDMENT.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284) is amended by striking “intentionally and willfully” each place it appears and inserting “knowingly”.

By Mr. VOINOVICH:

S. 865. A bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions; to the Committee on Environment and Public Works.

Mr. VOINOVICH. 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. 865

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 “Price-Anderson Amendments Act of 2005”.

SEC. 2. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking “LICENSEES” and inserting “LICENSEES”;

(2) by striking “December 1, 2003” and inserting “December 1, 2025”; and

(3) by striking “December 31, 2003” each place it appears and inserting “December 31, 2025”.

SEC. 3. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2025”.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect on December 1, 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 114—RECOGNIZING THE 100TH ANNIVERSARY OF THE AMERICAN THORACIC SOCIETY, CELEBRATING ITS ACHIEVEMENTS, AND ENCOURAGING THE SOCIETY TO CONTINUE OFFERING ITS GUIDANCE ON LUNG-RELATED HEALTH ISSUES TO THE PEOPLE OF THE UNITED STATES AND TO THE WORLD

Mr. CRAPO submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions.

S. RES. 114

Whereas in 1905, Drs. Olsler, Trudeau, Janeway, and Knopf, leaders in the fight in

the United States against tuberculosis, created the American Sanatorium Association, an organization dedicated to the improvement of tuberculosis care and treatment at tuberculosis sanatoriums in the United States;

Whereas in 1939, the name of the American Sanatorium Association was changed to the American Trudeau Society, honoring Dr. Edward Livingston Trudeau and recognizing the growing scientific interest in the study of lung diseases beyond tuberculosis, and in 1960 the American Trudeau Society became the American Thoracic Society in keeping with the evolution of the medical specialty area from phthysiology to pulmonology, that is, from tuberculosis to the whole range of respiratory disorders;

Whereas in 1917, to fulfill its mission as a scientific society, the American Sanatorium Association began the publication of an academic journal, the American Review of Tuberculosis, a text that carried articles on the classification of tuberculosis, diagnostic standards, and related topics on the diagnosis, treatment, cure and prevention of tuberculosis, and in the following years, the journal was renamed the American Review of Tuberculosis and Pulmonary Disease, and finally, the American Journal of Respiratory and Critical Care Medicine;

Whereas in 1989, the American Thoracic Society began publication of the American Journal of Respiratory Cell and Molecular Biology to recognize the contribution of basic research to the field of respiratory medicine;

Whereas the American Thoracic Society hosts the largest global scientific meeting dedicated to highlighting and disseminating research findings and clinical advances in the prevention, detection, treatment, and cure of respiratory diseases;

Whereas the American Thoracic Society continues to meet its clinical and scientific mission through its publication of academic journals and clinical statements on the prevention, diagnosis, treatment, and the cure of respiratory-related disorders, and through providing continued medical education in respiratory medicine; and

Whereas the American Thoracic Society has a long tradition of working in collaboration with the Federal Government to improve the respiratory health of all Americans: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the scientific, clinical, and public health achievements of the American Thoracic Society as its members and staff commemorate and celebrate the milestone of its 100th anniversary;

(2) recognizes the great impact that the American Thoracic Society has had on improving the lung-related health problems of people in the United States and around the world; and

(3) congratulates the American Thoracic Society for its achievements and trusts that the organization will continue to offer scientific guidance on lung-related health issues to improve the public health of future generations.

SENATE RESOLUTION 115—DESIGNATING MAY 2005 AS “NATIONAL CYSTIC FIBROSIS AWARENESS MONTH”

Mr. SALAZAR (for himself, Mrs. MURRAY, Mr. COLEMAN, Mr. WYDEN, Mrs. DOLE, Mr. DURBIN, Mr. BUNNING, Mr. KENNEDY, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 115

Whereas cystic fibrosis, characterized by chronic lung infections and digestive disorders, is a fatal lung disease;

Whereas cystic fibrosis is 1 of the most common genetic diseases in the United States and 1 for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene and individuals must have 2 copies to have the disease;

Whereas 1 of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas newborn screening for cystic fibrosis has been implemented by 12 States and facilitates early diagnosis and treatment which improves health and longevity;

Whereas the Centers for Disease Control and Prevention and the Cystic Fibrosis Foundation recommend that all States consider newborn screening for cystic fibrosis;

Whereas approximately 30,000 people in the United States have cystic fibrosis, many of them children;

Whereas the average life expectancy of an individual with cystic fibrosis is in the mid-thirties, an improvement from a life expectancy of 10 years in the 1960s, but still unacceptably short;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation;

Whereas the Cystic Fibrosis Foundation marks its 50th year in 2005, continues to fund a research pipeline for more than 2 dozen potential therapies, and funds a nationwide network of care centers that extend the length and the quality of life for people with cystic fibrosis, but lives continue to be lost to this disease every day; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2005 as “National Cystic Fibrosis Awareness Month”;

(2) calls on the people of the United States to promote awareness of cystic fibrosis and actively participate in support of research to control or cure cystic fibrosis, by observing the month with appropriate ceremonies and activities; and

(3) supports the goals of—

(A) increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses;

(B) encouraging increased resources for research; and

(C) increasing levels of support for people who have cystic fibrosis and their families.

Mr. SALAZAR. Mr. President. I rise today to submit a bipartisan resolution deeming May 2005 as “National Cystic Fibrosis Month.” I wish more than anything that this resolution were not necessary, and that we had already cured this terrible disease. But CF continues to haunt thousands of families, and with this resolution, the Senate is saying to those families that we hear your suffering and we are going to do all we can to ensure we help stop it.