

H.R. 2744. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109-92).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes (Rept. No. 109-93).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes (Rept. No. 109-94).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1312. A bill to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORNYN:

S. 1313. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

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

S. 1314. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for States water pollution control revolving funds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 1315. A bill to require a report on progress toward the Millennium Development Goals, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. COLLINS, Mr. CHAFEE, and Mr. KENNEDY):

S. 1316. A bill to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses; considered and passed.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, and Mr. ENSIGN):

S. 1317. A bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the names of the Senator from California

(Mrs. FEINSTEIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 604

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 675

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 695

At the request of Mr. BYRD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 751

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 751, a bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing

personal information, to disclose any unauthorized acquisition of such information.

S. 963

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 963, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes.

S. 1050

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1050, a bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1066

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1209

At the request of Mr. GREGG, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1209, a bill to establish and strengthen postsecondary programs and courses in the subjects of

traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students.

S. 1217

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1290

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1290, a bill to appropriate \$1,975,183,000 for medical care for veterans.

S. 1298

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1298, a bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1312. A bill to amend a provision relating to employees of the United States assigned to, or employed by, and Indian tribe, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing legislation to address conflicts of interest and the appearance of conflicts involving former Federal officers and employees who represent Indian tribes.

The legislation amends the Indian Self-Determination and Education Assistance Act (ISDEA), 25 U.S.C. 450i(j), by limiting the exemption from Federal conflicts of interest laws. Current law exempts from the conflicts laws former Federal officers and employees who "are employed by Indian tribes", thus permitting these former Federal employees immediately to lobby the departments they just left and act as agents and attorneys for the tribes. The legislation limits this exemption only to those former Federal employees who are employees of Indian tribes pursuant to self-determination contracts or self-governance compacts.

The bill clarifies what I believe was the intent of the Congress, as evidenced by House Report No. 93-4600 that accompanies the ISDEA, that Federal employees who work in an area that is contracted or compacted to a tribe be able to continue performing their jobs if they become employees of the Indian tribe for purposes of working in the contracted or compacted area. The exception that was made to the conflict laws appeared to have been made in response to the recognition that when Indian tribes took on the responsibility of operating programs traditionally fulfilled by the Federal Government, they would need experienced individuals to fulfill contracted or compacted functions.

Former Federal employees who leave the Federal Government and go to work as outside lawyers or lobbyists for Indian tribes, however, would, under the legislation I am introducing today, be subject to the same conflicts of interest restraints that apply to other former Federal employees who work for other entities. The bill takes effect one year after enactment to allow time for people to familiarize themselves with the new law and for tribes to seek alternative representation if necessary.

Limiting the waiver of conflicts laws in this manner proposed in this bill will address a problem identified by the Inspector General of the Department of Interior. In a report dated February 2002, entitled "Allegations Involving Irregularities in the Tribal Recognition Process and Concerns Relating to Indian Gaming, the IG laid out a number of contacts by former BIA and DOI officials, who left Federal employment to represent tribes at law firms, to the BIA regarding recognition matters that, but for the exemption from the conflicts rules, they would be barred from making. The IG suggested that these contacts were improper, but not illegal. These contacts were all made by former Federal employees who worked as outside lawyers and lobbyists for tribes. In his testimony before the Senator Committee on Indian Affairs earlier this year, the Inspector General again raised the issue of conflicts of interest and referred to a problem of a "revolving door" involving former Department of Interior officials. This legislation seeks to address that problem. I urge my colleagues to support it. I also 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. 1312

*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 "Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005".

#### SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C.

450i) is amended by striking subsection (j) and inserting the following:

"(j) ADDITIONAL EMPLOYMENT RIGHTS.—

"(1) IN GENERAL.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is an employee of an Indian tribe employed to perform services pursuant to self-governance contracts or compacts under this Act that the individual formerly performed for the United States, may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe with respect to any matter relating to the contract or compact, including any matter in which the United States is a party or has a direct and substantial interest.

"(2) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (1) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter."

#### SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

By Mr. CORNYN:

S. 1313. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce new legislation, entitled the Protection of Homes, Small Businesses, and Private Property Act of 2005. I introduce this legislation in response to a controversial ruling of the United States Supreme Court issued just last Thursday.

The protection of homes, small businesses, and other private property rights against government seizure and other unreasonable government interference is a fundamental principle and core commitment of our Nation's Founders. As Thomas Jefferson famously wrote on April 6, 1816, the protection of such rights is:

the first principle of association, "the guarantee to everyone of a free exercise of his industry, and the fruits acquired by it."

The Fifth Amendment of the United States Constitution specifically provides that "private property" shall not "be taken for public use without just compensation." The Fifth Amendment thus provides an essential guarantee of liberty against the abuse of the power of eminent domain, by permitting government to seize private property only "for public use."

On June 23, 2005, the U.S. Supreme Court issued its controversial 5-4 decision in *Kelo v. City of New London*. In that ruling, the Court acknowledged that "it has long been accepted that the sovereign may not take the property of A for the sole purpose of transferring it to another private party B,"