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Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
O God, our help and shelter, we look to You for defense. Defend us from temptation. Help us to say no to tempting voices and the things that lead to ruin as You teach us to follow Your blueprint for abundant living. Defend us from arrogance as You help us to esteem others as significant because we can see Your image in them. Defend us from ingratitude in the day of prosperity.

Today, defend our lawmakers from discouragement so that they will persevere in well-doing, with the knowledge that the harvest, though delayed, is not denied. Help them to remember that no time exists when You will fail them, and no moment comes when You will forsake them.

Lord, defend each of us from a stubbornness that refuses to be guided by Your light and sustained by Your grace.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a pe-

riod for the transaction of morning business until 3 p.m., with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Kentucky is recognized.

SCHEDULE

Mr. BUNNING. Mr. President, today the Senate will conduct a period of morning business until 3 p.m., with the first hour under the control of the majority and the second under the control of the Democratic leader or his designee. Following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous agreement, all amendments to the bill must be offered during today's session. The majority leader announced on Friday that there will be no rollcall votes today, but Senators who have amendments to the bill should make themselves available to offer and debate their amendments.

I also remind my colleagues that the next vote will occur tomorrow morning, shortly before 10 a.m. That vote will be on the passage of H.R. 6, the Energy bill. Following disposition of the Energy bill, the Senate will resume consideration of the Interior appropriations bill, and we will vote on previously offered amendments to the Interior appropriations bill tomorrow.

In addition to the vote on passage of the Energy bill and completing work on the Interior appropriations bill, the Senate will act on any additional appropriations measures, including the Homeland Security appropriations bill and other legislative or executive items. This is the last week of the session before the July 4 recess and Senators should expect a busy week with votes throughout.

GUANTANAMO BAY

Mr. BUNNING. Mr. President, today I rise to speak about our operation at Guantanamo Bay, in Cuba. There is so much information out there that is untrue, it must be corrected. Yesterday, I went to Guantanamo Bay with my colleagues, Senator CRAPO and Senator ISAKSON. We went to see for ourselves what all the so-called fuss is about down there, and we want to help set the record straight.

While we were there we also saw Senator WYDEN and Senator BEN NELSON. I am sure they will tell you what they saw when they come to speak on the Senate floor.

Our soldiers assigned in Cuba are on an island within an island. The base is isolated from the rest of Cuba, and it is isolated from the rest of our military. Our troops do not just drive off post to go watch a movie or to go to the mall. All they have is on post, from shopping to entertainment to food.

Many serving at Guantanamo leave their families behind. Some are National Guard troops, far away from home. It is a tough life, and they have a job that is mentally and physically challenging.

As we toured the detention camps, our troops patrolled the buildings and open areas in full uniform. In the afternoon, the temperatures reached into the high 80s, and the humidity could not have gotten much worse. But those brave young men and women stood guard over the detainees to keep them in line and protect them from other detainees.

Probably the weather and the Sun are the last things our troops are worried about. The people they are guarding are the terrorists. They are the worst of the worst. They are all dangerous. Many directly fought Americans on the battlefield, killing and wounding our soldiers, yet our young men and women watch over these terrorists and provide for them. They do this despite the terrorists having taken

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



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up arms against fellow American servicemembers. The danger the terrorists pose to our military in Guantanamo is real and enduring.

While we were inspecting one of the detention facilities, the halls were filled with sounds of detainees beating on metal doors of their cells and yelling at anyone who could hear. Weapons have been found in the detainees' cells and are often made from ordinary items they are provided.

Our troops on the ground in Guantanamo are putting their lives on the line to protect and provide for terrorists. Yet some of my colleagues and others, commentators, suggest that these brave young men and women are the criminals, and when they make such outrageous statements, there are many in the media willing to repeat the accusation without bothering to check the facts for themselves.

For example, almost any picture seen of detainees at Guantanamo is from Camp X-Ray. Everyone is familiar with those pictures. They are the ones with men in orange suits, living in open-air cells made of chain-link fences.

I went to Camp X-Ray. Do you know what I saw? I saw weeds several feet high and plants growing all over the fencing. Do you know what I did not see? People. Camp X-Ray has been closed since 2002. It is no longer used at all. But those images are the ones that continue to appear in print and on the news. It is no secret that Camp X-Ray is closed, but pictures of the new and improved facilities are never shown.

I wish to talk about these new facilities. They have come a long way from concrete slabs surrounded by chain-link fencing. I cannot say I felt bad for any terrorist who had to spend the night in Camp X-Ray, but the new camps are significantly better. They offer the terrorists more privacy, space, and protection from the weather. They offer the terrorists areas for recreation. Some even have air-conditioning and semiprivate showers.

The newest facility is modeled after the state-of-the-art prisons in the United States and is fully air-conditioned. New furniture is on the way, and an even newer facility is about to be built. But I have not seen any of those camps I just described on the news, and I am hopeful that those in the media will help clear up this issue.

But the real issue that goes to the heart of this debate is, Are we serious about fighting terrorism or not? If we are, then these new detention facilities at Guantanamo will remain open until no more terrorists are plotting to harm innocent Americans. What goes on there is critical to our fight against terrorism and the war on terrorism. First and simplest, if the terrorists are locked up in Cuba, then they cannot kill Americans in Iraq or New York, in Afghanistan or even in Kentucky. Those being held at Guantanamo are the worst of the worst terrorists we have captured. The military has decided that they are so dangerous that

they must be moved halfway around the world to keep them away from the battlefield. That is reason enough to keep Guantanamo open.

There are bomb makers who are no longer making bombs because they are in Cuba. Terrorist training camp instructors are no longer teaching classes because they are being held next to a Caribbean beach. Others at Guantanamo were caught with heavy weapons, explosives, or anti-aircraft missiles, but they will not get to use those weapons to kill Americans because we are holding them in the detention facilities. One person being held there very well may be the intended 20th hijacker for September 11, but because he is locked in a cell in Cuba, he will not be able to fly a plane into a building anytime soon.

I could describe many individuals held at Guantanamo and give reasons they need to remain in our custody, but I only will mention a few more—12, to be exact. That is the number of those we know who have been released from Guantanamo and returned to fight against the coalition troops. Some have been killed and some have been recaptured. But we must not miss the lesson that we are dealing with dangerous people who will stop at nothing to kill innocent Americans.

But there is more to Guantanamo than locking up terrorists. As important as keeping the terrorists from carrying out their evil plans, we are gaining valuable information from the detainees. Those terrorists are one of our greatest sources of information into terrorist operations, financing, and personnel. Some of them were very close to Osama bin Laden at one time. Others were active in planning terrorist attacks. Still others worked on finance and personnel recruitment for terrorist groups. Think of the wealth of information they have.

The detainees can identify people involved in terrorist groups. They have helped us better understand the structure of terrorist organizations. They know locations and transportation routes. They can validate information gathered on the battlefield. To this day, they continue to provide us with critical information in our fight against terrorism.

We are not gathering information from them in any inhuman way. I saw several interrogations. None of the terrorists were being beaten. There was no torture, and they were not being starved. Throughout the entire detention camp, terrorists were given clothes and bedding. They are given Muslim prayer rugs and Korans. There are arrows everywhere pointing to Mecca. We even witnessed a prayer call announcing to the terrorists that it was time for them to turn to Mecca and pray.

That, Mr. President, is a far cry from the repressive regimes to which critics of Guantanamo have compared our military. Did the Nazis respect the Jewish faith? Did Stalin and Pol Pot

practice religious tolerance? Absolutely not.

The detainees are being fed well. In fact, their meals often cost more than the meals served to our troops because of their cultural dietary restrictions. When Hitler imprisoned Jews, he did not go to lengths to prepare them kosher meals that followed their faith.

The military has constructed a hospital for the detainees. While we were there, we saw a detainee being transported to the hospital for an examination. When needed, the terrorists have access to other doctors and medical facilities. If a specialist is needed, then one is brought in. In other words, we give the terrorists the same medical care our troops get.

Many get dental care and glasses for the first time in their lives. Others have been diagnosed with diseases and other medical issues and have received treatment. We have even given amputees new medical limbs.

Again, I ask my colleagues, did Hitler and Pol Pot provide dental care to their prisoners before they killed them?

And the terrorists are not being held without a review process. Each person brought to Guantanamo is reviewed to make sure they really are an enemy combatant. They are also periodically reviewed to make sure they still need to be held at Guantanamo or if they should be moved elsewhere or even released.

The detainees are given a chance to explain their side of the story. International law does not require these combatants be given a review board. Our military is going out of its way to give these terrorists rights above and beyond the evil regimes the war's critics have cited. After all, there were no review boards in the gulags or the concentration camps. The Nazis did not care if their prisoners had taken up arms against Germany. They locked them up into slavery anyway.

Anyone who compares our operations at Guantanamo to those ruthless killers is lying to the public and insulting our troops. No detainees at Guantanamo have died due to their treatment by our troops—none, zero.

Hitler murdered 6 million Jews and caused the death of tens of millions more on the battlefield. Stalin had tens of millions killed. Pol Pot was responsible for the death of about 1 million in his "killing fields."

Of course, the detainees are not living in luxury. But these are dangerous killers we are talking about. They are terrorists. But we treat them with respect, which is much more than they have ever treated us with.

Conditions improve every day at Guantanamo. But as long as they are dangerous to America, we must continue to hold them and gather information. We have a determined enemy that wants to do nothing but harm us. The only way to beat them is to stand strong, fight longer, and not back down.

What we are doing at Guantanamo is a key part of our fight. These terrorists cannot hurt us as long as they are locked up. They will continue to provide us with valuable intelligence, and we continue to treat them with the dignity they refuse to show us.

Finally, Mr. President, I want to say thank you to all the brave men and women working for our freedom at Guantanamo and throughout the world. I am always impressed with the fine young Americans in our military. And seeing them yesterday was no exception. I had the privilege of meeting a few soldiers from Kentucky while at Guantanamo Bay. I cannot say their names due to the security reasons we have and to ensure their future safety. They, and others, are serving our country with honor. I thank them and their families for their sacrifices.

Mr. President, it was an unbelievable experience yesterday in Cuba at Guantanamo Bay, one I will remember for the rest of my life.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAPO. Thank you very much, Mr. President.

Mr. President, I stand and join my colleague, Senator BUNNING from Kentucky. I was one of those who was able to be on this trip to Guantanamo yesterday. Along with Senator ISAKSON from Georgia, we were joined there by two other Senators, Senator WYDEN from Oregon and also Senator NELSON from Nebraska, who came in on a separate trip.

We had an opportunity to view exactly what is happening at Guantanamo. As I said, I am glad to be able to stand with my colleague, Senator BUNNING, and set the record straight about what the United States and the honorable men and women of our armed services are doing to serve the United States, the people of this country, and, frankly, the people of the world as we fight to defeat terrorism.

I want to first thank my colleague, Senator BUNNING, who has given a very thorough and helpful review. I will try not to repeat too many of the things he went through, but he has identified the core points that need to be made as we discuss what is truly happening at Guantanamo.

I want to start out by going into a little bit of detail about who exactly is there. Secondly, I want to talk a little bit about the legal framework because, frankly, a lot of the debate we hear throughout the country and throughout the world today has to do with different points of view about the legal framework within which we are dealing with the circumstances at Guantanamo.

Then I want to talk about the question of transparency; in other words, do we really know what is happening there? I know there are a lot of people who will say: You went there and you visited, but did you really see the truth? I want to talk about that. I also

want to talk about what we saw—how are the detainees being treated.

Finally, I want to talk about our own troops. What is their morale? And what is their conduct? And then, actually, the last thing I want to talk about is: Of what benefit to the United States and the world is Guantanamo?

I am going to go back now and talk, first of all, about who is there. I think there has been a bit of a misconception about who it is we are detaining at Guantanamo.

Since the effort began in defeating the Taliban in Afghanistan—and it has expanded to the war in Iraq—the United States has captured more than 70,000 detainees—70,000—in the conduct of the war in Afghanistan and Iraq. Among that number, the vast majority have been handled in other ways. Either they have been released or they have been turned over to other authorities, other nations, or they are being held in facilities in the area of the battle. But we are working with Iraq, Afghanistan, and other governments to make sure they take control of detainees to the maximum extent possible.

But there are some detainees who are so dangerous that we have made the decision we must maintain control over them. They are also controlled because they have information that is critical to us in the battle against terrorism. And after a very thorough vetting process, out of 70,000 who have been captured in these battles and in other efforts to fight against terrorism, approximately 800 have been moved to Guantanamo.

My numbers are going to be kind of rounded here, but of that 800, about 235 have already been released or moved into the custody of other countries. My colleague, Senator BUNNING, indicated that is not always good news. At least 12 of those who have been released have been found again in the battlefield—some of them killed in battle, others captured again, and at least one was found to have ordered some very significant terrorist activities after being released from Guantanamo.

But about 235 of the 800 who we determined were so dangerous they needed to be moved to Guantanamo have been released or put into the custody of other countries. Approximately 520 remain at Guantanamo. Who are these 520? These are terrorist trainers. These are bomb makers. These are recruiters and facilitators for al-Qaida and other terrorist groups. These are terrorist financiers. These are bodyguards of Osama bin Laden. And these are would-be suicide bombers—to name just a few of those who we have identified and the activities we are stopping by keeping them detained.

I am going to come back a little bit later and talk about what we learn from these detainees. But I would like to talk, next, a little bit about some of the details of individuals whom we have identified. An elaborate process has been put into place, as I indicated, to identify whom we will return and

take to Guantanamo to assess the threat they pose to the United States and the international community, and then to give regular review to this process to be sure they are still the threat that they were and deserve to be kept at the Guantanamo base.

But as a result of this effort, we have collected the most dangerous, and the ones with the most information who can give us the most assistance, through the interrogation process, to help us pursue the war against terrorism.

These detainees include terrorists who are linked to a major al-Qaida attack, including attacks in east Africa, the U.S. Embassy bombings, and the USS Cole attack; terrorists who taught or received training teams on arms, explosives, surveillance, and interrogation resistance at al-Qaida camps in Afghanistan and elsewhere; terrorists who continue to express their commitment to kill Americans, if released; terrorists who have sworn personal allegiance to Osama bin Laden; terrorists who have been linked to several al-Qaida operational plans, including possible targeting of facilities in the United States; members of al-Qaida's international terrorism support network including the financiers, the couriers, the recruiters, and the operatives and those who participated in attempted hijacking instances.

Let me give a couple specific examples. One al-Qaida explosives trainer is there who has provided information to the United States on the September 2001 assassination of Massoud and on the al-Qaida organization's use of mines; another individual who completed advanced terrorist training at camps in Afghanistan and participated in an attempted hijacking and escaped while in custody that resulted in the deaths of Pakistani guards; another individual who was involved in terrorist financing who provided information on Osama bin Laden's front companies, accounts, and international money movements for financing terror. The list goes on and on. This is who is there at Guantanamo. These are the people whom we seek to detain and about whom the debate in this country revolves. They are dangerous, and they must be kept under control or they will kill more Americans and threaten people throughout the world.

What is the legal framework within which they are being detained? That is the crux, though it is not often stated that way, of the debate. I will get into this in more detail, but Senator BUNNING has already indicated, the treatment that is being provided to the detainees is probably the most humane, high quality treatment any nation that has ever captured detainees at war has ever provided to its prisoners. I suspect no other nation today or throughout history could claim to be treating its detainees better. But still the question arises, how and under what legal framework should they be handled? There is an irony here. These

detainees do not serve in a normal army. They do not wear uniforms. They do not serve a nation that is a signer to the Geneva Conventions. They do not honor Geneva Conventions, meaning they do not refrain from attacking civilians and conducting terrorist activities. And because they do not qualify in these categories, they don't qualify under the Geneva Conventions as prisoners of war.

Here is the irony. If they were prisoners of war, they wouldn't be entitled to the legal benefits about which we are now wrangling. They would be entitled to humane treatment, but they would not be entitled to get into the court system of the country that has captured them.

Many throughout this Nation and throughout the world are saying we should provide all of the legal benefits in a criminal law system, such as the criminal justice system in the United States, to these detainees. The United States has declined to do so, stating that these are enemy combatants under the Geneva Conventions. But they are not prisoners of war under the Geneva Conventions. And there is the irony. If we could classify them as prisoners of war under the Geneva Conventions, we could avoid the debate about what their rights are and how they should be treated. Instead, since they are not a group entitled to participate in the United States criminal justice system and are not a group entitled to be considered prisoners of war under the Geneva Conventions, but are instead enemy combatants under the Geneva Conventions in a category for which nations have not yet agreed on how they should be treated, the United States is embroiled in a debate as to how to treat them.

How have we resolved this decision? On January 19, 2002, the Secretary of Defense gave specific guidance that all detainees are to be treated humanely. On January 21, the same year, the chairman of the Joint Chiefs of Staff issued executive orders to commanders that transmitted the Secretary of Defense order that these detainees be treated humanely. On February 7, 2002, President Bush determined that al-Qaida and Taliban detainees should be treated humanely, consistent with the principles of the Geneva Conventions and consistent with military necessity. The detention of enemy combatants in wartime is not an act of punishment. It is a matter of security and military necessity. It prevents enemy combatants from continuing to fight against the United States or its partners in the war on terror. Releasing enemy combatants before the end of hostilities and allowing them to rejoin the fight would only prolong the conflict and endanger our coalition and American forces.

Here is the point of the debate. The United States, though these enemy combatants are in an uncertain category, has provided to them all of the humane treatment required by the Ge-

neva Convention and more legal rights than they would have if they were prisoners of war. Yet the United States continues to be criticized because there are those—and this is what everyone needs to understand—who will not be satisfied until we choose not to treat these enemy combatants in the context of a war but instead choose to treat them as criminals in a criminal justice system and thereby change the legal framework under which they are being handled. The United States correctly and properly refuses to do so. If we were to do so, we would not be able to defend the interests of the country against enemies who are conducting war against us as effectively as we can if we are able to treat them under the Geneva Conventions as enemy combatants. And when you hear the debate about how they are being treated, listen carefully, because most of the debate is not about their physical condition or whether they are being treated humanely. It is about how they are being categorized with regard to these legal battles that those who are engaged in the issue wish to see ensue.

Let's talk about what we saw, and then I will describe how they are actually physically being treated and whether what we saw is true. I have already had those who knew that I went there ask me whether the opportunity we had is one which truly showed us what was happening at Guantanamo. To me this is an issue of transparency. What is happening there, and were we shown what was truly going on?

First, we visited every facility there. Five Senators, with many other individuals with us from other government agencies, went through and visited every facility. My colleague Senator BUNNING indicated that we even went to Camp X-Ray which has not been utilized for 2 or 3 years and which is literally overgrown. I walked into one of the containment facilities there at Camp X-Ray. I had to brush away the weeds in order to move through the door and to go in and see what it looked like. We visited Camps 1, 2, 3, and 4. And they are numbered in terms of the order in which they were built. These are the newer camps that were constructed to provide better facilities for these detainees than were originally there at Camp X-Ray when we first started using the base. We were able to see the medical facilities. We were able to observe literally everything at the base. And I can say that I don't think it would have been possible for them to have hidden from us what was happening.

We were able to observe the interrogations, to interview and discuss with the personnel present what was happening, right down to the troops who were conducting the specific guarding activities inside the cell blocks. If that is not sufficient, the International Committee of the Red Cross has had 24-hour-a-day, 7-day-a-week access to the facility at its discretion. They have had a permanent presence, recently

changing that only at their choosing. The media, both national and international, have had 400 visits to Guantanamo, representing over 1,000 members of the media who have been there to also observe. Lawyers for the detainees, who would not even be allowed if we categorized them as prisoners of war, have come and, in many of the habeas corpus cases, to observe and discuss with the detainees. And somewhere in the neighborhood of 15 to 20 Senators and 75 to 100 Representatives, in addition to over 100 congressional staff, have been there to observe.

My point is that in terms of transparency, is the United States letting its own people, its Congress, and the world know what is being done there? I believe the answer is clearly yes.

My colleague Senator BUNNING went through the numbers of deaths in the Nazi concentration camps, in the gulags under Stalin, and the numbers, you will recall, were in the millions. Not one detainee has died at Guantanamo. On the contrary, they have the best medical care that I believe any detainees in history have ever had. So as far as the question goes with regard to whether we are providing a true and accurate picture to the public about what is happening there, the answer is unequivocally yes.

What is happening there? I would like to talk a little bit about what we saw. As I indicated, there are a number of facilities. They are called Camp 1, 2, 3, and 4. They are building Camp 5 and Camp 6. They are different in terms of the levels of security and in terms of the operations. Those who are detained there are able to be in one of the camps versus the other camps depending on how they respond to their detention. If they are the more violent kind who do not follow instructions, then they are often in individual confinement. This individual confinement does not mean solitary confinement. It means they would be in a cell block with 40 or 50 others, and you can see each other through the cell. These are not enclosed. So they have the ability to play chess between cells and so forth. They have running water, sinks, and toilets in each cell.

They have religious paraphernalia so they can practice their religion. They are facilitated in the practice of that religion by being provided with prayer calls and with directions. From wherever in the camp you are, you can see an arrow that points toward Mecca so you know the directions. They are provided recreational opportunities, showers, and three, good, solid meals a day, as well as outstanding medical care. Those are the ones who are in the most closely confined circumstances. Those who are more willing to follow instructions and less willing to attack their guards are allowed to live in more communal circumstances where the rooms, instead of being individual cell units, are in units where ten or more can live together, and then those groups can go out in recreational facilities and have

a little bit expanded recreational opportunity and the like.

Then there is the maximum security facilities which would be comparable to the kinds of similar facilities that are there that you could find anywhere in the United States, in prison facilities that are subject to extensive litigation and oversight by attorneys and our own judicial system. Throughout this entire process, whether one is in the most extreme, highest maximum security circumstance or whether one is in some of those areas where the more responsible detainees are able to be, they are always provided with the best possible treatment. I don't believe it would be possible for a valid argument of some type of physical abuse to be made because there is such care there to be certain that even when the detainees are being interrogated—and, by the way, the interrogation is a very humane and, frankly, easygoing process which does not create physical threat to the detainees—there are always more than one or two or three people observing what is happening so there cannot be a circumstance where something goes awry and someone abuses the relationship and the situation.

Let me talk a little bit about the medical care. I said they are getting top-notch medical care. I asked many of those who we were there with what the comparability would be between the medical care provided to these detainees and that provided to detainees by other nations in other wars or in other circumstances. Consistently no one could give me an example of better medical care ever being provided anywhere. I asked if it was equivalent to the kind of medical care that our own troops were being provided. The answer was yes. It is probably better medical care than these detainees have ever had in their lifetime. When they were first brought there, many of them had traumatic injuries from the battles in which they were captured. Those injuries were treated. Now they have reached a point that they have been there several years, some of them, where they are being treated for the kinds of problems you and I and others would want to have medical care for. They are getting annual checkups. They are being treated for diabetes, if they have back ailments or heart problems, whatever it may be, if they have dietary needs, they are being treated for them.

A number of them have lost their limbs, not because they lost them in battle but because they lost them while they were building bombs to blow up Americans. And we have provided treatment for their loss of limbs and actually provided them with prosthetics and helped them with the physical therapy so they can regain the use of their bodies to the maximum extent we can help them. We have facilities there to do major surgery. We have all kinds of other support. If they have medical needs that go beyond what we

have there available, they are taken elsewhere to get that medical treatment.

In fact, I would like to move now to the discussion of what the morale of our troops is. I think as we met there with people at all levels, from the guards to those who ran the hospitals to the managers to everyone else, I could honestly say the morale of our troops there is very high. But there is a concern that was consistently expressed to me by them. I had the opportunity to have lunch with some of those who were literally on the front lines having to go into the cell blocks and to provide the guard service around the clock with these detainees.

And they are concerned about what the American people and the international public think about them and about what they are doing because they believe they are treating these detainees with the highest respect and with the most humane treatment possible. They are overseeing it rigorously. If any of them steps out of line, they get handled and they get in trouble. Yet they are subjected constantly to threats and harassment and abuse from the detainees.

It is my perspective that if anyone is being abused at Guantanamo, it is not the detainees, it is the good young men and women guards who are there on the front line, who are themselves physically threatened, verbally threatened, and in other ways abused. It has been reported what kinds of things are thrown at them through the cell blocks as they walk through. When they happen to go through and a detainee throws urine or feces on them, they have to go out, be hosed off, and go back into duty. If anyone is being abused at Guantanamo, it is the treatment that is being afforded to our men and women of the military that is causing the abuse to them, rather than the reverse.

For those here in this body or anywhere else to accuse our men and women of mistreating those at Guantanamo is a great irony because any abuse or mistreatment that is happening is the reverse.

I am proud of our men and women there. They are truly doing a great service for this country and for this world. Let me conclude by talking a little bit about what that is.

By the way, I forgot one piece of information. I have talked about the medical facilities and other kinds of support that have been provided to these detainees to make sure they are being properly cared for. In the newest facilities, the prisoners even get air conditioning, which is not something most of the troops get, at least during their working hours. But what does that cost us? What kind of investment has the United States made? To this point, the United States has spent over \$241 million in providing these medical facilities, these containment and detention facilities, and for the care and treatment and feeding of these detain-

ees. The annual cost will go on probably at \$100 million a year, until we are able to resolve this conflict. The United States has also spent over \$140 million in existing or new detention facilities in Afghanistan and Iraq. So we are putting a tremendous amount in here.

What benefit does it provide to us? As I indicated, the purpose of this detention, to me, is twofold. First of all, it is to stop dangerous terrorists from being put back into the field so they can go back out and continue to kill Americans and others and train and facilitate other terrorists in doing the same thing. The first thing is to stop them from committing terrorist activity. The second purpose is to be able to gain from them information that will help us better pursue or fight against terrorists around the world. The question of Guantanamo detainees, which I will again state is not the kind of interrogation that one thinks of when they think of a gulag, or what you might see on TV as a threatening interrogation. This is entirely nonthreatening interrogation. It has improved the security of our Nation and coalition partners by helping us to expand our understanding of the operations of the terrorists. It has given us an expanded understanding of the organizational structure of al-Qaida and other terrorist groups. It has given us more knowledge of the extent of the terrorist presence in Europe, the United States, and the Middle East. It has given us knowledge of al-Qaida's pursuit of weapons of mass destruction, of methods of recruitment and location of recruitment centers, terrorist skill sets, general and specialized operative training, and of how legitimate financial activities are being used to hide terrorist operations.

The intelligence we are gaining by the interrogations of those who are kept at Guantanamo has prevented terrorist attacks and has saved American lives. Not only has no one died at Guantanamo, not only has the highest health care possible been provided to them, but lives have been saved as a result of our activities there. Detainees have revealed al-Qaida leadership structures and operating funding mechanisms, training and selection programs, travel patterns, support infrastructure, and plans for attacking the United States and other countries. Information has been used by our forces on the battlefield to identify significant military and tribal leaders who are engaged in or supporting attacks on coalition forces. Detainees have continuously provided information that confirms other reporting regarding the roles and intentions of al-Qaida and other terrorist operatives.

I could get into details, but I will not do that publicly. The fact is, we are getting extensive, detailed information from the terrorists who are kept at Guantanamo, which is saving American lives and helping us to protect our young men and women in the military and people in other nations.

I want to conclude my remarks by coming back to the beginning. There has been a lot of debate about what is going on at Guantanamo. What is the United States doing? Why is it doing it? Is the United States creating some type of a new detention circumstance in modern warfare, which parallels some of the most terrible examples that our critics have been able to throw up at us? I went down there wanting to know and wanting to see and to be able to report back to the American people about what truly is happening.

What I found was that the U.S. men and women of our Armed Forces are committed, honorable, loyal, duty-bound members of the American military who are following the orders of their Commander in Chief to the letter, following the Geneva Conventions, and providing beyond what the Geneva Conventions even requires in terms of protection to these detainees, in a service to America and to the world. I found a circumstance where I don't believe a valid argument can be made that there is any nonhumane treatment of these detainees. I found a circumstance in which it appears to me that what is being portrayed by some is simply manufactured out of whole cloth in order to perpetuate a broader debate against the United States and our interests.

I also became convinced that, far beyond being simply a detention facility, Guantanamo is one of the key strategic interrogation facilities necessary for the United States in pursuit of the war against terror in this world. As we have said in both of our remarks, Guantanamo is where the worst of the worst are taken. They are taken there to be protected so that we can be protected from them and so that we can gain information from them that will help us better protect ourselves as we continue to fight to defend against the likes of Osama bin Laden.

I also stand here to commend the young men and women of our fighting forces—not just those who at Guantanamo are suffering the abuse of the detainees and the extremes of the weather and the living circumstances there to defend us, but those who serve throughout this world, whether it be in Iraq or Afghanistan or any of the other points of conflict or in any other of the stations around this world, where we have men and women deployed to defend our interests.

The United States is at war against terrorists and we must acknowledge that. The efforts of the men and women in our military should be commended, not discredited. I stand as one Senator to thank the men and women of our Armed Forces for the tremendous job they do. They put their lives on the line daily for us and they should be given our thanks, not our criticism.

With that, I yield back the remainder of my time.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. I thank my colleague from Idaho for his great observation of our trip yesterday. I also know that Senator ISAKSON was unable to be here, but he will make a statement later this evening. I hope Senator BEN NELSON and Senator RON WYDEN will also come forward and report what they saw at Guantanamo.

I am happy to also thank, as Senator CRAPO has, all of our men and women in the military who serve our great country.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

SOCIAL SECURITY PRIVATIZATION

Mr. REID. Mr. President, soon after President Bush won reelection last November, he made it clear that the top priority of his second term would be the privatization of Social Security. This is something the President had thought of long before his second term. In fact, when he ran for Congress in the late seventies from Texas, he talked then about the Social Security plan going broke and that it should be privatized. So this is something he has thought of a long time. But since he was elected the second time, he and other members of his administration have organized a massive campaign, given countless speeches, and criss-crossed the country all in an effort to sell the American people privatization.

It has been a tough sell, though. The polls show that people have accepted this whole Social Security agenda about 25 percent. When he started it was in the 70s. Now it is down to 25 percent. It has been a tough sell because the President's privatization proposal is flawed in many ways. It would require deep benefit cuts, even for workers who don't choose to privatize accounts. It would require massive borrowing from countries such as China, Saudi Arabia, where we borrow about 40 percent of the money we borrow for this year's deficit, which will be in the hundreds of billions of dollars, probably closer to half a trillion than not. It would turn Social Security from a guarantee into a gamble. And his privatized accounts would not strengthen Social Security's finances at all. In fact, it would make the long-term challenge worse, not better. The President has said the privatization plan will not stabilize Social Security.

It is important to remember that even if we do nothing, which no one here is advocating, Social Security will pay 100 percent of promised benefits until about 2055 and about 80 percent thereafter. In fact, President Bush will

be about 108 years old at the time Social Security would start paying 80 percent of benefits.

While claims of a crisis are obviously false, it is also true that we face a long-term challenge, and we as Democrats need to address that, as we have said we would.

Unfortunately, the President has other ideas. His goal is not to bolster Social Security. To the contrary, he went all the way to West Virginia, arguing that the trust fund is nothing more than an accounting fiction. And you can't argue for strengthening something if you don't believe it exists.

No, the President's goal isn't to strengthen Social Security. His goal is to privatize it. Privatization, with its deep benefit cuts and massive debt, would undermine Social Security, and as a matter of principle we Democrats will never go along.

Social Security is based on the best of American values. It promises Americans if they work hard, contribute, and play by the rules, they can retire and live in dignity, and their families will be protected if they become disabled or pass away. A third of the benefits paid out by Social Security are not, as my grandmother referred to it, old-age pensions. They are for people who are disabled, widows, orphans. Social Security is not a handout. It promises benefits that people earn through their hard work. That is as it should be, and we need to do everything we can to make good on that promise.

Fortunately, the American people agree with us. Along with several of my Democratic colleagues, I have traveled the country on behalf of Social Security and against privatization. Everywhere we go, whether rural areas, suburban settings, or big cities, the response is the same: Americans don't want Social Security privatized. Middle class workers don't want their benefits cut. They don't want our Nation to get even further in debt to the Chinese and Japanese and Saudis. They don't want to adopt a risky scheme that could undermine the retirement security they have worked so hard to earn.

According to one poll, as I have mentioned, only 25 percent of Americans support the President's handling of Social Security. The opposition to privatization is as broad as it is deep. From those numbers, it is very obvious that it is not only Democrats throughout the country who oppose this, Republicans oppose it, also. Most Americans in rural areas who are especially reliant on Social Security voted for President Bush last year, but they strongly oppose his privatization plan. In fact, among those rural residents who know a great deal about the President's plan, opponents outnumber supporters by almost 40 percent.

That certainly seems to be the prevailing view among my neighbors at home in Searchlight. Whenever I am home, folks tell me the same thing:

Protect Social Security and stop privatization. It is a message my colleagues are hearing from their constituents in every part of the country.

Because of this widespread opposition, some here in Washington have apparently concluded they could not pass this proposal on the Senate floor in an open and public debate. Rather than give up on this unpopular proposal, they are, instead, adopting a stealth strategy. It has been widely reported that many in the minority party are now seeking to move a bill through the Senate without the private accounts or painful benefit cuts included in the President's plan, not because the President has abandoned privatization or benefit cuts but, instead, because they recognize this is the only means available to them to get their flawed plan adopted by Congress.

Under this bait-and-switch strategy, what the Senate says or does on private accounts or benefit cuts during its consideration of legislation would be largely irrelevant. The Senate would pass a bill lacking private accounts or significant cuts and send it to conference with the House, which would be controlled by a handful of privatization supporters. These supporters would work behind closed doors to ensure that private accounts emerge in the conference report.

We will not allow that to happen. In recent weeks, we have seen new evidence that this is, in fact, the administration's strategy. Last week, for example, bills were introduced in the Senate and the House that were advertised as establishing private accounts with no pain whatsoever. But these proposals are nothing more than political gimmicks. In truth, they still would threaten benefits, they still would require massive borrowing from foreign countries, and they would still fail, at one day, Social Security's solvency. In fact, like the President's plan, the private accounts they propose would make matters worse.

No one is going to be fooled by this type of gimmickry, and Democrats are not naive or foolish enough to fall for a bait-and-switch strategy that has been widely advertised in advance.

So I call on the President and his supporters to face reality and give up on privatization. Rather than continuing to push for this radical and ideologically driven proposal, which is a buzzword for getting rid of Social Security, I propose they listen to the words of another Republican President from 50 years ago, Dwight D. Eisenhower. This is what General Eisenhower said back then—This is not some Democratic Senator, Democratic Governor, Democratic State legislator, or Democratic Member of the Senate. This is President Eisenhower:

Should any political party attempt to abolish Social Security, unemployment insurance, and eliminate labor laws and farm programs, you would not hear of that party again in our political history. There is a tiny splinter group, of course, that believes you

can do all these things. Among them are H.L. Hunt . . . and a few other Texas oil millionaires, and an occasional politician or businessman from other areas. Their number is negligible and they are stupid.

President Eisenhower.

As I have said, I want to make sure these words are not coming from me. These are President Eisenhower's words. But if President Eisenhower's view is not persuasive to our current President, I would propose he listen to the words of another Republican President, his dad. In 1987, the first President Bush called privatization, "nutty." As he said at the time: "It may be a new idea, but it's a dumb one."

That is what two Republican Presidents said about privatization. They are right.

So I hope we can move beyond privatization, move beyond gimmicks, move beyond the attempt to secure private accounts through a transparent strategy of bait and switch. Instead, let's agree to strengthen Social Security and to do it on a bipartisan basis. That would be the right thing to do for America's workers and our country.

Is it my understanding the distinguished Senator from Texas wants to speak in time that has been reserved to the minority?

Mr. CORNYN. That is correct. I will need about 15 minutes.

Mr. REID. I don't think we have anyone coming, so you are sure welcome to use our time.

Mr. CORNYN. I thank the distinguished Democratic leader.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized.

(The remarks of Mr. CORNYN, relating to the introduction of S. 1313, are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BURNS. Parliamentary inquiry, Mr. President, we are now on the Interior appropriations bill; is that correct?

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2361, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Burns (for Voinovich) amendment No. 1010, to prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located.

AMENDMENT NO. 1022

Mr. BURNS. Mr. President, I send an amendment to the desk. First of all, it is on behalf of the majority leader and minority leader. It relates to congressional security.

This issue relates to a recent DC Board zoning adjustment granting a building height variance for a developer here in the vicinity of the Capitol.

Without going through some sensitive detail, let me simply say our two leaders have offered this amendment to prevent this variance from going into effect until the Capitol Police Board, with the consent of the Senate and House leadership, certifies that such a variance will not impact negatively on congressional security and increase Federal expenditures related to congressional security.

This amendment does not preclude development of the property, but it ensures that existing height regulations are honored and the security of the Capitol and all the people who work here is protected.

So I offer this amendment for the majority leader and minority leader.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

Mr. BURNS. Mr. President, I have a very important little conference to go to at 3:15. I see the ranking member of this committee on the floor. He did a great job on Friday, I am told, flying solo. So I am going to go to that meeting and just kind of turn the reins over to Senator DORGAN, my good friend from North Dakota.

We will start going through some amendments and start working this bill out this afternoon. It is our intention not to keep the Senate open all that long today. We will start working on those amendments as soon as possible.

The PRESIDING OFFICER. The clerk will now report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. FRIST, for himself and Mr. REID, proposes an amendment numbered 1022.

The amendment is as follows:

At the end of title IV, insert the following:
SEC. ____ CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW,

Square 631, Lot 17 in the District of Columbia; and

(2) if any variance described under paragraph (1) is granted before the effective date of this section, such variance shall be set aside and shall have no force or effect.

(b) CONDITIONS FOR VARIANCE.—A variance described under subsection (a) may be granted or shall be given force or effect if—

(1) the Capitol Police Board makes a determination that any such variance shall not—

(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

Mr. DORGAN. Mr. President, is there an amendment pending that requires a vote?

Mr. BURNS. We do not know yet.

The PRESIDING OFFICER. The amendment that was offered has been set aside.

Mr. BURNS. It has been set aside.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1023

Mr. DORGAN. Mr. President, I offer an amendment on behalf of Senator BARBARA BOXER, for herself, Senator NELSON of Florida, Senators CLINTON and SCHUMER of New York, and Senator OBAMA of Illinois, and send it to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for Mrs. BOXER, for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, and Mr. OBAMA, proposes an amendment numbered 1023.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides)

At the appropriate place, add the following:

SEC. 4 _____. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

(1) to accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1024

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for Mrs. FEINSTEIN, proposes an amendment numbered 1024.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California)

On page 254, after line 25, add the following:

SEC. 4 _____. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.”.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1025

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1025.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services)

At the end of title IV, add the following:

SEC. 429. (a) IN GENERAL.—Section 7 of the Federal Reserve Act (12 U.S.C. 789 et seq.) is amended by adding at the end the following:

“(d) ADDITIONAL TRANSFERS FOR FISCAL YEAR 2006.—

“(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of \$1,000,000,000 in fiscal year 2006.

“(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year.

“(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish the surplus fund of such bank by the amount of any transfer by such bank under paragraph (1) during fiscal year 2006.”.

(b) USE OF SURPLUS.—Of amounts transferred to the general fund of the Treasury under section 7(d) of the Federal Reserve Act, as added by this section—

(1) \$140,000,000 shall be made available to the Secretary of the Interior for use by the Bureau of Indian Affairs; and

(2) \$860,000,000 shall be made available to the Secretary of Health and Human Services for use by the Director of the Indian Health Service in providing Indian health care services and facilities.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1026

Mr. SUNUNU. Mr. President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU], for himself and Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 1026.

The amendment is as follows:

(Purpose: To prohibit the use of funds to plan, design, study, or construct certain forest development roads in the Tongass National Forest)

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available by this Act may be used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. SUNUNU. Mr. President, I offer this amendment on my behalf, but also on behalf of Senator BINGAMAN, and I ask unanimous consent that Senators MCCAIN and FEINGOLD be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. This amendment is pretty straightforward. It reads very

simply: To place a restriction on the use of Federal taxpayer funds to be used to build logging roads in the Tongass National Forest on behalf of private companies. This is a case where we need to be very careful about providing Federal subsidies for private corporations.

This was a topic of discussion during some of the remarks I made on the Energy bill and I have raised this issue many times in the past. We need to be careful about using Federal resources to provide subsidies for private companies because it distorts the marketplace, promotes inefficiencies, and isn't good stewardship of Federal resources.

In 2004, the Federal Government, through the Forest Service, spent between \$45 and \$50 million building logging roads in this segment of the national forest. They took in roughly \$1 million in revenues. I would like to make sure we give the benefit of the doubt any time we are spending money. We understand it can have economic impacts, it can create jobs and the like, but to spend \$45 or \$50 million on programs that provide \$1 million in revenues when there is a timber sale seems like an enormous inequity to me. If you compound these shortfalls over 20 years, the losses amount to between \$750 and \$850 million. I don't think this is an appropriate use of Federal resources.

I am pleased to offer this amendment with Senator BINGAMAN. I hope it will restore a little bit of fiscal restraint and balance to this Interior appropriations bill. It is important to recognize what this amendment does not do because, as the debate is carried forward, I want to make sure that concerns raised speak to the amendment and not to other issues.

What this amendment does not do is prohibit logging in the Tongass or any other segment of our national forest. It doesn't change policy regarding logging in any substantive way. It doesn't curtail uses in the national forest, again, in the Tongass or anywhere else in the country. I come from a State, New Hampshire, that has a great tradition of multiple use in our national forest system—recreational use, economic operations, timber program, hunting, fishing. It is a true multiuse forest. I believe that general approach to our national forest makes the most sense.

Finally, this amendment does not restrict the use of private funds to build logging roads. I don't think that is inappropriate in any way. If we have a timber sale on any segment of the national forest, that should be conducted in an open, transparent way, but the market should dictate the attractiveness of a particular cut, the sale of that timber, the pricing, and the like.

People who speak to this amendment may well raise concerns about regulation, about legal barriers and legal obstacles, about subsidies that other timber concerns in other countries may enjoy. Those are all valid concerns. I

have stepped forward to try to address those concerns to allow timber management, an important segment of our economy, to operate in a fair and reasonable way. But this amendment doesn't address or solve or make worse any of those concerns. Those are issues that we need to continue to address. We should have reasonable regulatory processes that are understandable, that allow appropriate timber sales and logging operations to continue on national forest land. We should do everything in our power to minimize frivolous lawsuits throughout our economy but also those types of frivolous lawsuits that might necessarily hinder and raise the cost of the timber program. And, of course, there are subsidies being provided by other countries. New Hampshire and Canada share a border, and the issue of subsidies in the timber industry—placing operations in the United States at a competitive disadvantage—is something that I have dealt with time and time again.

But all this amendment does is say we will no longer use Federal funds to support the building, construction, and planning and development of roads for private entities in the Tongass. When you have a cost of \$45 or \$50 million for revenue of just \$1 million, you don't have to be an economist to understand why this amendment makes good, commonsense for the taxpayer.

I encourage my colleagues to support this legislation. It has been endorsed by a number of groups who are looking at this matter from a purely fiscal perspective and doing what is right for taxpayers. It reflects much more commonsense use of Federal resources.

I yield the floor.

AMENDMENT NO. 1029

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send to the desk an amendment on behalf of Senator KERRY and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. KERRY, proposes an amendment numbered 1029.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)

On page 254, after line 25, add the following:

SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated \$600,000,000 for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

AMENDMENTS NOS. 1030 AND 1031, EN BLOC

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send two amendments to the desk and ask unanimous consent that they be considered sequentially, offered by Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1030 and 1031.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1030

(Purpose: To modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools)

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110.(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

(b) Notwithstanding any other provision of law, \$178,730 is authorized to be appropriated for the Southwest Indian Polytechnic Institute.

AMENDMENT NO. 1031

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)

On page 130, line 2, strike "\$1,000,000" and insert "\$1,250,000".

On page 138, line 7, strike "\$2,000,000" and insert "\$2,500,000".

On page 146, line 19, strike "\$1,937,000" and insert "\$2,500,000".

On page 211, line 25, strike "\$2,000,000" and insert "\$2,500,000".

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARLOS LAZO

Mr. DORGAN. Mr. President, on Friday I brought to the floor a picture of a wonderful young soldier. This soldier is a man who fled from Cuba on a raft in 1992. His name is Carlos Lazo.

Sergeant Lazo has not been able to bring his family to this country from Cuba. He kept in contact with them, visiting them a number of times under the rules that allow Cuban Americans to visit close relatives in Cuba once a year.

In 1998, Carlos joined the National Guard. They were mobilized in 2003, deployed to Iraq in March of 2004. In June of 2004, Sergeant Lazo came back to the United States from Iraq on a 2-week R&R. He hoped to use that time to make his annual visit to Cuba to see his sons. But just before Sergeant Lazo came home on leave, the President announced new regulations that would limit Cuban-American family visits to once every 3 years. Even though Sergeant Lazo got to the Miami airport a day before the new regulation went into effect, our State Department prohibited him from boarding a charter flight to Cuba to visit his children.

Mr. Lazo, in the country of Iraq wearing America's uniform, won the Bronze Star award. Let me show you the award, the Bronze Star medal given SPC Carlos Lazo, Charlie Company, 181st Support Battalion, for exceptionally meritorious service while serving as a combat medic with Charlie Company. It goes on to talk about his heroism and courage. Here is an American soldier who went to fight in Iraq because his country asked him to fight in Iraq. He was fighting for freedom. This American soldier wins the Bronze Star fighting in Iraq. He comes home to this country and his young child in Cuba has a very high temperature and is in the hospital, quite ill. He wants to go to Cuba to visit his child. After fighting in Iraq, he is told he doesn't have the freedom to travel to Cuba to see his sick child. He came to see me the other day and asked if I could help him because I have been involved in legislation in the Senate dealing with travel to Cuba. I happen to believe that we ought to treat Cuba just as we do China and Vietnam, both Communist countries. Our official policy is that we will advance the interests of each through engagement. Travel and trade will be beneficial to moving China and Vietnam towards greater human rights. But we believe that is not the case with Cuba because we have clamped down on trips to Cuba.

Now a fellow like Carlos, an American soldier who is willing to fight in Iraq and wins a Bronze Star, is told, You can't visit your children in Cuba except for once every 3 years. Even when your child is ill in a hospital, we won't allow you to visit him.

He asked the question last week: What about freedom? I was fighting for freedom. I don't have the freedom to go travel 90 miles off the shores of Florida to the country of Cuba to see a sick child who is in the hospital?

I called the Department of the Treasury, which runs the agency that would provide the licenses, and asked to speak to the Treasury Secretary. He didn't return the call.

I called the State Department, asked for Condoleezza Rice. She didn't return my call. As an aside, I would observe that she was happy to return my call when she was up for confirmation on the floor of the Senate to be the Secretary of State. But she didn't return my call this time. At any rate, her Deputy, Mr. Zoellick, returned the call. I have great admiration for him so I was pleased to talk to him.

I also called the White House and talked to Karl Rove on Friday afternoon. I just got a call back from the White House saying that Mr. Rove will not be contacting me today. In fact, Mr. Zoellick will be handling this. I have not yet heard from Mr. Zoellick, but he indicated he would be getting back to me.

When I talked to the Treasury Department, they said: The regulations that came into effect that President Bush has announced provide no humanitarian relief at all.

It means that you can't travel to Cuba except once every 3 years to see your family.

I said: Surely there must be some humanitarian exceptions to that. This guy wins the Bronze Star fighting for this country, and he doesn't have the freedom to go visit a sick kid?

They said: There are no exceptions. We have people calling us saying: My mother is dying in Cuba. I need to go see her. We tell them no because there are no exceptions.

I said what on Earth are you thinking about? You created the regulation. Don't tell me the regulations prevent you from doing the right thing. You created them; change them. So here it is, on Monday afternoon, this Sergeant Lazo—Carlos Lazo—still asks the question: Why, when I fought in Iraq, demonstrated courage under battlefield conditions, won a Bronze Star, do I come home and find I don't have the freedom to visit my sick child 90 miles away from the shores of America?

That is unbelievable. Not surprising to me, but unbelievable.

I will show you a picture of another young woman who visited my office. This is Joan Scott. Joan went to Cuba, but she didn't get permission. She didn't know she had to get permission. She went to Cuba because she wanted to distribute free Bibles. She took a supply of Bibles and went to Cuba to distribute them. Guess what this Government did. They tracked her down and slapped a \$10,000 fine on her. Why? She didn't have a license to go to Cuba.

Fidel Castro has been sticking his finger in our eye for many years. But if we think we are slapping him around by restricting the rights of the American people to travel there, we are seriously mistaken.

The quickest way to get Castro out of office in Cuba—and he has lived through 10 Presidencies—is through trade and travel, just as we do with China and South Vietnam, both of which are also Communist countries. Trade and travel will rapidly advance

the day in which Cuba will have a new government. To penalize and punish American citizens—someone who wants to distribute free Bibles in Cuba, or someone who wants to take his father's ashes with his last request to distribute his ashes on the grounds of a church he once ministered in in Cuba, to punish these people—and this Government is doing that—is unbelievable.

In this case, it is Sergeant Lazo who is penalized. So this Monday afternoon he waits and I wait. Will I get a call from the State Department saying, No, our rules in America are that you can fight for America and for freedom, but you don't have the freedom to go see a sick kid? If that is the result, that is unbelievable.

Mr. President, we will see if I get a telephone call this afternoon. If they don't find a humanitarian way to provide exceptions, not just for Sergeant Lazo but for someone whose father or mother is dying and they need to go to Cuba, then we are going to vote on that on this appropriations bill. Yes, it will take a suspension and it will take a two-thirds vote. But we will see who wants to stand up for the interests of a young soldier who was willing to fight and die for this country but doesn't have the freedom to go see his sick son. We will see who is willing to stand up for his interests and the interests of the basic proposition that you ought to be free to travel. We will see at the end of today.

I say, again, I fully intend to offer an amendment to this bill, and it will require suspension of the rules, but I will offer that and ask my colleagues to vote on it.

Mr. President, there is more to say, but I will reserve that until I get a call from the State Department today telling us what they have decided to do.

AMENDMENT NO. 1032

Mr. DORGAN. Mr. President, I ask unanimous consent that the underlying amendment be set aside, and I send to the desk an amendment by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. DURBIN, produces an amendment numbered 1032.

Mr. DORGAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds in contravention of the Executive order relating to Federal actions to address environmental justice in minority populations and low-income populations)

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be able to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Mr. President, I have spent the last nearly 2 hours prior to coming to the floor chairing a hearing of the Democratic Policy Committee on waste, fraud, and abuse, dealing with the Halliburton Corporation with respect to contracting in Iraq. I don't—along with my colleagues who joined me—take pleasure at holding hearings to expose waste and abuse and, I think, fraud. We do it because the authorizing committees in this Congress have decided they are not interested in having these kinds of hearings.

Let me just give you some idea of what we have learned at the five hearings that I have held on this subject. Today, at the hearing, an employee of Halliburton who was providing food service in a portion of Iraq to our troops, said something to me that was almost unbelievable. He said they were routinely serving food to American troops that had outdated stamps on it. When you go to the grocery store, you see that food is going to be good through a certain date. They were getting that kind of food that was out of date and serving it to American soldiers.

I understand greed because we see enough of it in some of these circumstances at these hearings. I don't understand the shameful behavior of somebody who is charging this Government for feeding our troops, and then would feed our troops food that is date stamped out of date. The Halliburton Corporation, by the way, said that it was feeding 42,000 troops a day in one contract, and it turns out that only 14,000 were eating. They were charging for 28,000 meals they were not serving. Now we discover, more than that—more than charging for 42,000 meals when only serving 14,000 meals—they were serving food that was out of date to American soldiers. That is unbelievable to me.

We send these soldiers to a war zone and we contracted that company to feed them, and they feed them food that is date stamped out of date. Nobody wants to investigate these things. No hearings. It is eerily quiet here. Normally, when you see fraud, waste, and abuse, we have people who are interested in investigating that and putting a stop to it right now. We have heard so many tales of waste, fraud, and abuse.

Halliburton orders 50,000 pounds of nails that are the wrong size, so they are laying on the sand in Iraq. Just another bit of waste. It is \$40 for a case of pop or soda and \$7,000 a month to lease SUVs. There are \$85,000 trucks that are abandoned on the roads and are torched because they had a flat tire or a plugged fuel pump. These are all stories we have heard at our hearings, which the authorizing committees won't have. They have been asked to have them, but they will not. I have chaired five hearings—because they won't—on these issues. It doesn't serve American troops. It disservices American troops to allow this sort of thing to happen.

When we get involved in circumstances where our country has an obligation to the troops we ask to go into harm's way, we have a responsibility to make sure there is not corruption and looting and thieving going on.

We had a woman testify today, Bunnatine Greenhouse. She was the highest civilian official in the Pentagon dealing with Corps of Engineer projects. She was called in at one point and told: Either you can retire or you are going to be demoted. We are not putting up with your objections anymore.

She was objecting to sole-source contracts being given to Halliburton—no bids. What is the result of that? Headline after headline about waste and fraud. Here is what she said today:

I can unequivocally state that the abuse related to contracts awarded to KBR [a subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

By the way, she had a meeting last week with the acting general counsel, I believe, of the Corps of Engineers, and she was told that it would not be in her best interest to speak publicly about these things. Surprise, surprise. Don't worry so much about the waste or the fraud or the abuse; worry about the people who are going to speak up, who have the courage to step out and say here is what is going on, and I am willing to risk my career to talk about it.

Good for this woman. It took courage for her to come forward today. She was one of the top senior officials in that whole pyramid. The old boys just worked around her and worked their will so they could give contracts worth billions and billions of dollars to one company—Halliburton—and then later to some others, but basically Halliburton.

Then we hear from a witness named Rory, who worked in the food facilities in Iraq, that Halliburton was routinely serving out-of-date food to American troops. I thought there wasn't much more that could shock me after having my fifth hearing on this, but there is.

I just say this to the authorizing committees: The minute you decide to do the kinds of accountability and oversight hearings Congress is supposed to do, I will not hold any more

hearings. It was in 1941 when a Senator on the floor of the Senate, named Harry Truman, with a Democratic President in the White House, initiated a series of hearings that ended up being hundreds of hearings. They documented massive amounts of fraud in defense contracting during a war. It probably wasn't pleasant for a Democratic President to have a Democratic Senator challenging them on what was going on with respect to waste, fraud, and abuse, but Harry Truman did it.

Now we have a Republican President, a Republican-controlled Congress, substantial waste, fraud, and abuse, and nobody wants to hold hearings because they are worried it will embarrass somebody. This isn't about embarrassing anybody; it is about standing up for the interests of the American taxpayer, for the interests of the American troops, and deciding that during war it is unconscionable for people to profiteer, and for companies to cheat and defraud the Federal Government.

Unfortunately, these days, when you read the headlines and the audit reports, you discover that what this is all about is a slap on the wrist, a pat on the back, and then a continuation of the buddy system.

A fellow who testified today with respect to the food service in Iraq said that when Government auditors came, they were told: You are not to be available to speak to Government auditors. And they were told this: If you are caught speaking to a Government auditor, one of two things will happen. Either, A, you will be fired or, B, you will be sent to a base where there is active fighting. It's your choice.

I could not believe that. He said it again. He said it a second time. When Government auditors came to audit the Halliburton food contracts, they were ordered not to speak to the auditors, ordered not to respond to auditors' questions, ordered not to be available. And if they were caught answering questions of auditors, they would either be sent to a base where there was active fighting, or they would be fired. So that is some of what is going on.

The question is, Does anybody care? Will they, after 2 years of our holding five straight hearings now—when I say "they," I mean the authorizing committees—perhaps begin to hold hearings themselves? Would it be embarrassing to ask that committees to do what they are supposed to do—provide oversight? When you have \$10 billion or \$12 billion lining the pockets of big contractors whose documented abuse of that money is legend—don't take it from me, take it from the facts that are on the record—will the committees of the Congress do what they have a responsibility to do? We will see.

I wanted to point out that this afternoon was spent by me—at least from 1:30 and for the first 2 hours—listening to things that I find shameful with respect to practices by some companies—notably Halliburton—in the country of Iraq, profiteering during a war.

Mr. President, the last time we held a hearing dealing with Iraq, we had one of the people there hold up a towel, and he said: My job was to buy towels, among other things. I was a procurement agent. I was to buy towels—the hand towels you would use in the bathroom in the morning.

He showed us the hand towel he was going to buy, and then he showed us the one he did buy. The one he did buy had a logo of the company on it—the contracting company. The contracting company wanted him to buy a higher priced towel, a more expensive towel, so they could put their logo on it. Waste of the money? I think so. It is unbelievable when you see all that is going on and nobody is minding the store.

I hope perhaps one day this Congress, in a deep slumber about accountability and oversight responsibilities, will wake up and do what it is required to do. At that point, we will no longer have to do hearings in our policy committee. Until that point, however, we intend to continue such hearings.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATION FOR PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, there has been quite a controversy developing in recent weeks about the Corporation for Public Broadcasting. I have spoken on the Senate floor a couple of times about the subject, and I wish to address it now, particularly because of actions that were taken last week.

The Corporation for Public Broadcasting has a Board of Directors that is headed by a Mr. Kenneth Tomlinson. Mr. Tomlinson decided to take it upon himself to describe public broadcasting as having a liberal bias. Because it has a liberal bias, according to the Chairman of the Board of Directors, appointed by President Bush, he hired a consultant, a fellow who had worked for 20 years at a journalism center founded by the American Conservative Union. He hired a consultant for just over \$14,000 without the knowledge of the Board of Directors to evaluate particularly programming by the Bill Moyers show called "Now." The Inspector General at the Corporation for Public Broadcasting is now investigating that expenditure of money.

It is curious to me that the American people, by a wide margin, believe that public television and public radio, National Public Radio, for example, and

PBS, is not biased, is good information, provides good programming, balanced programming, and yet the Chairman of the Board, who is partisan, has made it his cause to tell the American people there is a liberal bias in public broadcasting over television and radio on NPR and so on.

Most of us, of course, know public television by Big Bird, Ernie, the Cookie Monster, the Count, Grover. I was thinking, when I have heard the discussions about public broadcasting by the Chairman of the Board, Mr. Tomlinson, I was thinking of Oscar the Grouch, who complains about everything. I would not take the analogy so far because Oscar the Grouch lives in a trash can, but every time he peeks his head out something is wrong. He complains about everything, Oscar the Grouch.

Well, maybe we have an Oscar the Grouch running the Corporation for Public Broadcasting. After all, he is a partisan who has decided to allege that there is a partisan and liberal bias at the Corporation for Public Broadcasting. Then he hires a conservative to do an evaluation of that.

When he did that with public funding, I asked Mr. Tomlinson, by letter, to provide me the information gleaned from this consultant. He then sent me the raw data, which was many pages of raw information. I have described that on the Senate floor. I will not do that again. He told me that it was not a summary but he was completing a summary. I have now been given the summary in the last couple of days—I believe last Friday.

In the intervening period, Chairman Tomlinson also decided that his candidate to become President of the Corporation for Public Broadcasting, a position that was open, should be assumed by a former Co-Chair of the Republican National Committee. Over the objections of some members of the Board of Directors, he made that happen last week. So the former Co-Chair of the Republican National Committee is now going to become the President of the Corporation for Public Broadcasting, an organization that the Chairman of the Board of the Corporation for Public Broadcasting alleges has a liberal bias. He believes that it is political or partisan; therefore, he brings in a partisan.

If a former co-chair of the Democratic National Committee had been hired, I assume there would be a howl that one could hear all the way to West Virginia coming from this Chamber and the Chamber across the hall because they would say: You are politicizing the Corporation for Public Broadcasting. Regrettably, that is exactly what Mr. Tomlinson is doing by hiring a former Co-Chair of the Republican National Committee.

Public broadcasting does a real service in this country. There are some stories no other broadcasters will do. Do my colleagues think that ABC, CBS, NBC, or FOX will ever do a no holds barred, in-depth story about concentra-

tion in the media and about the rules that the Federal Communications Commission tried to foist on this country that would allow further concentration until they were stopped by the Federal courts? Do my colleagues think that would ever be dealt with by the major television networks? Not on your life because they are all making money consolidating.

The Federal Communications Commission came up with a goofy rule—one that, in my judgment, subverts the interests of the American people—and said it will be all right if in one major American city one company owns eight radio stations, three television stations, the dominant newspaper, and the cable company. That is just fine, according to the Federal Communications Commission. Well, it is not fine with me. That was the quickest and biggest cave-in to the special interests I have ever seen in my life, and the Federal court has at this point stopped it.

Guess who did the in-depth reporting, the hard-hitting reporting on the concentration of corporate interests in broadcasting. Was it CBS, NBC, ABC, FOX News? No, not on your life. They would not touch it because they make money continuing the concentration. It was public broadcasting. It was Bill Moyers. For that, he pays a price. The price he pays: Mr. Tomlinson and others accuse him of going astray, a liberal bias.

When I looked at the papers I was given that represent the raw data from the consultant, some of the listings evaluated programming on public broadcasting as either anti-Bush or pro-Bush. Is that what we are going to do in this country—run our evaluation of whether something is fair through a prism of whether it supports our President, whoever our President is? Is that the way one would have wanted to evaluate public broadcasting when President Clinton was in office—anti-Clinton, pro-Clinton? I do not think so. That is not the way we have a responsibility to evaluate these things.

This country is still a democracy, a free country. It is not unpatriotic to be critical of our Government. In the case of the FCC rules, that would allow massive concentration of broadcasting properties so that only four or five people will determine what the American people by and large will see, hear, and read. When that happens, when the FCC tries to do that, it is not unpatriotic to raise questions and do in-depth reporting and do tough reporting on it. There is nothing unpatriotic about that.

So the selection of the former Co-Chair of the Republican National Committee to be President of the Corporation for Public Broadcasting is a step that will injure public broadcasting. The board members who objected have told me that they felt the process for the selection of the chairman was not fair, and I intend to ask the Inspector General to include that question in the

investigation that is now ongoing about the use of funds for the consultant.

I believe most of us, Republicans, Democrats, and Independents, should care about retaining a strengthened and important public broadcasting system in this country. Big Bird is not a Republican or a Democrat, nor is the Cookie Monster. This is just good programming. It does a disservice to the interests of public broadcasting in this country to begin to undermine it by demanding that there is a liberal bias, by hiring consultants who themselves come from a conservative background with which to make a judgment of whether things are anti- or pro-Bush in public programming, and then to engineer the hiring of the former Co-Chair of the Republican National Committee as President of the Corporation for Public Broadcasting. All of that moves us in the direction that injures something very important to this country. My hope is at some point we will be able to see progress in putting this back together. But there is no question that substantial damage has been done to public broadcasting in recent weeks and that damage is because of leadership insisting that public broadcasting itself is flawed and is at fault.

I disagree with that. I think the problem is not public broadcasting; I think the problem has been the leadership of the Corporation for Public Broadcasting and the engineering of not only a known partisan to become president but also a partisan to do an evaluation that was destined to show what the Chairman of CPB was alleging.

Again I take no pleasure in coming to the floor to be critical of Mr. Tomlinson, but after what I have read from the consulting report that is now being investigated, frankly, I think there is a need to speak up and a need to decide that public broadcasting is important to this country and worth saving and won't be saved by those who want to drag it into the partisan waters.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1035

Mr. DORGAN. On behalf of my colleague Senator WYDEN, I propose an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. WYDEN, proposes an amendment numbered 1035.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the authority for watershed restoration and enhancement agreements)

On page 254, after line 25, add the following:

SEC. 4 _____. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking "fiscal year 1999" and "all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015".

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1036 AND 1037, EN BLOC

Mr. DORGAN. I send two amendments to the desk on behalf of my colleague from Rhode Island, Senator JACK REED, and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. REED, proposes en bloc amendments 1036 and 1037.

Mr. DORGAN. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1036

(Purpose: To modify certain administrative provisions relating to the brownfield site characterization and assessment program)

On page 198, lines 21 and 22, strike "Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006" and insert the following: "Notwithstanding section 104(k)(4)(B)(i)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)(IV)), beginning in fiscal year 2006 and thereafter, appropriated funds".

AMENDMENT NO. 1037

(Purpose: To authorize recipients of grants provided under the brownfield site characterization and assessment program to use grant funds for reasonable administrative expenses)

On page 200, between lines 2 and 3, insert the following:

Beginning in fiscal year 2006 and thereafter, notwithstanding any other provision of law, recipients of grants provided under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) may use the grant funds for reasonable administrative expenses, as determined by the Administrator of the Environmental Protection Agency.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is amendment 1037 to the Interior appropriations bill.

Mr. STEVENS. What amendment is pending?

The PRESIDING OFFICER. Amendment 1037.

AMENDMENT NO. 1026

Mr. STEVENS. What is the number of Senator SUNUNU's amendment?

The PRESIDING OFFICER. Senator SUNUNU's amendment is 1026.

Mr. STEVENS. I thank the Chair.

Mr. President, I have come to the floor to briefly discuss this amendment that has been offered by the Senator from New Hampshire and others and tell the Senate this is opening the door to a whole series of agreements that were made in previous Congresses and approved by the President, and it is a subject I intend to debate at length. I will tell the Senate a little bit of history tonight and take an opportunity to more subsequently discuss this issue.

This amendment that has been offered will prevent the use of Federal funds to plan, design, study, or construct new forest development roads in the Tongass. The Tongass National Forest is our largest national forest. It has a southern division and a northern division. When I came to the Senate, the harvest level was about 1.5 billion board feet a year from the total Tongass. In subsequent years it has been under attack severely, until today I think it is less than 17 percent of the Tongass is available for harvesting timber.

This amendment discriminates against Alaska. There are national forests in many States and the Forest Service spends a lot of money on forest roads, but this would say that only in Alaska can the Forest Service be prohibited from spending money for forest roads.

Let me go back a little bit in the history. I am gathering the information we need to address the matter in depth tomorrow and subsequently. This area is not unique in the sense of timber harvest. The Forest Service follows about the same regulations in Alaska they would in any other national forest. The difference is that we had, in 1980, the Alaskan National Interests Conservation Land Act which withdrew a great portion of this forest from any future harvesting of timber; then after that we had the Tongass Timber Reform Act which further limited the amount that could be harvested from the Tongass; and then we had the enormous dispute over roads in the Tongass. This is another way to limit the development of Alaska's timber because of the policies of our national Government with regard to harvesting the national forests.

The debate over forest roads also has included the question of the provisions

in the 1980 act which prohibited any further withdrawal of Alaska's lands without prior approval of the Congress. This is an amendment that looks as if there is an economic concept involved, but really it is one of the goals of those who want to limit further use of the Tongass to produce timber.

Regarding the roadless concept, they tried to apply it to our national forests, the Tongass National Forest. Because of the provisions in the 1980 act which prohibit further withdrawals of Alaska's land without prior approval of the Congress, that concept did not get applied to the Tongass. The last President did issue an Executive order which purported to change that, but that has been rescinded as that was an error on the part of the last administration. We are operating under the basis that there could be roads built in the portions of the Tongass that have not been withdrawn.

The problem is this: The cost of developing roads in Alaska are different from other States. In most States, there is a road infrastructure in the area that surrounds the national forest. As a matter of fact, most national forests have a Federal highway going right through them. Southeast Alaska has no roads. It is an island community. There is no connection between those islands. There is no attempt to build a highway system in southeast Alaska. As a matter of fact, our capital city has no roads that can be used to enter Juneau from another area. I think it is the only capital you can reach only by boat or air. There is no way to drive to our capital because it is on one of the islands I am talking about.

When we look at the situation of southeast Alaska, we have to realize one of the costs of developing a timber industry in southeast Alaska is building roads on islands on which there are no roads. They are temporary roads built under specification of the Forest Service and designed to become wilderness, in effect, once the regrowth is commenced.

What I am saying is, once the timber is harvested, the natural product of what we call the "slash" that comes from developing and cutting the timber is laid across the ground, and within a very few years that area will be totally grown over again. In most instances, we will not find the roads because they have been eliminated by regrowth. I invite everyone to take a look at Admiralty Island, across from Juneau. That at one time was cut for timber and now is regrown to such an extent that it has been named a wilderness area. It is the only area in the country that is a wilderness area despite the fact that its timber was once cut.

As we get the information I am seeking from the Forest Service and from other agencies, I want to demonstrate to the Senate that the only way to be able to harvest the timber we are entitled to harvest is to follow the process the Forest Service itself has selected;

that is, that it build the forest roads. As it selects an area for timber harvest, it will build the roads, and the purchaser of the timber will agree to pay the cost of those roads as part of the cost of the contract to harvest the timber.

As time has passed and many of our areas have been selected for harvest in the area set aside for timber production now—I remind the Senate that well over three-fourths of the Tongass has been set aside as national parks, wild and scenic rivers, forest wilderness, and is not available for any kind of timber harvest. In the areas where it was agreed timber harvests would be permitted, the Forest Service builds these roads and uses the funds we appropriate for that purpose, and those funds are repaid by the person who harvests the timber.

As time has passed, the challenges from the environmental organizations of the country, the environmental costs, the environmental impact statements, and often-repeated environmental impact statements, have added up to the fact that some assert that this is not a profitable endeavor, for the Federal Government to allow timber to be harvested in the Tongass. But they forget—and that is why I am here—they forget there was an understanding and a commitment that a portion of this area would be available for timber harvest. That is one of the local products that is a renewable resource. The cutting cycle in our timber area is over 100 years. It means an area harvested this year will not be put up for sale for 100 years. Under the circumstances, to have a provision that says the roads that are to be built would be built by an individual in advance of getting a contract for timber harvesting means that great speculation would enter into this industry.

It would also mean that the decision would be made by nonresidents of the area, speculators. Currently our logging industry is a local industry. They are small logging companies. They log small areas on the islands at a competitive bid to obtain the right to harvest that timber. This is not a case of wasting Federal money.

Those who are approaching it from the point of view, saying the Federal Government should not spend this money, do not realize the best way to develop this timber industry was to have roads built by a Federal agency, designed by a Federal agency, and constructed for the safety not only of the people who are going to be working in the area but also for the protection of other resources such as the fish and wildlife resources of the area.

The problem for a person who wants to harvest this area is overwhelming if they have to make the decision of where the road should go because there is so much inter-Federal-agency consultation going into the harvests, these roads for timber harvest, that it would be almost impossible for a private sector person to be able to get to the point

where there would be approval for the location of the road. The design is determined by the Federal Government, the location is determined by the Federal Government, the safety features are determined by the Federal Government, and the purchaser of the timber has agreed to pay the costs.

The way it is done right now is in the best way, in the interests of the environment, and the interest of the people of the area. Once the roads are built, it is possible for the local people to be able to bid to harvest the timber and to make it available to the international community. By Federal law, we do not export this timber. It must be sold in the United States. This is from Federal land, and therefore is subject to the Federal law that prohibits the export of this timber.

It is a forest product that would be worth a great deal more if it could be exported. But it is not. Some of the Native-owned timber is exported, but the timber from the Federal lands is not exported.

The main reason I am here is to ask the Senate to think about this. This is a provision that applies only in the Tongass National Forest of Alaska. Why not the rest of the country? Why not the forests in New Hampshire? There is a forest in New Hampshire. What about the forests of other areas of the country? I am considering offering a second-degree amendment—I understand second-degree amendments will be in order and are in order—to apply it to the whole country.

Above all, what about the commitment made to Alaska when so much of Alaska was withdrawn? In 1980, the law that was passed we called the Alaska National Interests Land Conservation Act which withdrew over 100 million acres. That was a hard-fought battle that lasted 7 years in this Senate. We finally reached a conclusion that many of my constituents disagreed with, that in order to go forward with our economy and in order to go forward with our relationship with the Federal Government, we agreed to that act. It became law despite the fact that so many people disagreed with it because it did have some commitments to Alaska. This is one of the commitments, that the areas that were not set aside would be subject to harvest by the timber industry under the concepts that existed at the time.

Now if we come along and change those concepts and say you cannot use Federal funds in the beginning, it means we will have to go back and fashion a basic Federal law that deals with the investment of private funds in those roads before the decision has been made—it is almost impossible for anyone to conceive building roads in an area before the final decision has been made that the timber can be harvested. The decision used to be made just by the Forest Service, but it is made by the courts now. Every single sale has gone to court repeatedly.

Two years ago, I had an amendment to limit the amount of time that could

be taken in those appeals. That is an issue that needs to be examined. But very clearly, the concept of using this approach that none of the funds available in this act may be used for the development of these roads is another way to make the area wilderness. This is a wilderness bill. This is not an economic amendment. This is an amendment to assure that the commitment was made to us that a portion of the timber in the Tongass could be harvested. This will be renegeing on that commitment.

There is no way now for us to proceed with this type of road construction until we identify the purchaser of the timber, and there is no way really to get to the point of purchasing the timber until the roads are created. There are no roads available in the area except the ones to be constructed by the logging company that will cut the timber.

I am sure the sponsors of this amendment do not realize what they are setting in motion. They are setting in motion a total block to development of the Tongass and a total renegeing on the commitment that was made to our State that timber in this area would be subject to harvest.

I hope to have an amendment that will make this apply to the whole country.

I also have an amendment that I would want the Senate to consider, and that is that there should be a study made of the developing of these roads in the forest system, and that there be a report on a new process to develop roads in the units of the National Forest System if we are not to use Federal funds to build the roads.

Again I say, from the point of view of safety, from the point of view of consistency as far as environmental protection, having the Forest Service build the roads in the areas that they agree to be available for timber harvesting is the best way we have devised so far. This concept, if it is to be studied, it ought to be studied throughout the whole National Forest Service System, not just my State, not just our State.

I do think there is a great deal more to this debate that needs to be brought up to the Senate. But above all, people have asked: Why don't we just have a vote? The main reason is I think there are Senators here who really do not know the history of the development of this relationship between Alaska and the Federal Government with regard to the resources of our State.

If you look at the 1980 act that withdrew over 100 million acres, you will find that because of those withdrawals you cannot build a north-south road in Alaska. You cannot build an east-west road in Alaska. There is no way to get through the various passes and across the rivers where you should be able to do it because withdrawals were made for national parks, wild and scenic rivers. There are a whole category of withdrawals to prevent that kind of development.

There actually was a Senator on the floor of the Senate at one time who said our whole State should be made a national park and we should not be allowed to develop any portion of it. Our State is one-fifth the size of the United States. It is as big as at least 20 of the 48 States of what we call the South 48.

We are entitled to a lifestyle. We are entitled to be treated as a State. We fought long and hard to become a State. What we are seeing here is this inching away from being treated as a State. This amendment only applies to Alaska. Of all the units of the forest system in the United States, it would only apply to Alaska. I think that type of discrimination should be reason enough for any Senator to vote against this amendment.

But above all, I do hope the Senate will take time with us. My colleague, Senator MURKOWSKI, will be with me tomorrow, and we will discuss this amendment at length.

Right now, I just have to express my deep disappointment in an amendment of this type. I cannot conceive of offering an amendment to discriminate against another State. We sought to become a member of this Union because we thought we would be equal to other States. We have witnessed, time and time again, this attitude of people from other parts of the country that we are not entitled to the same rights as other Americans in terms of our relationship to the Federal Government.

I think this is an area that needs examination. And it needs understanding. I cannot recall since I have been here holding up an appropriations bill. This one I do think is going to be held up. I want the Senate to know that I have a whole series of amendments that will be offered to this amendment. I do not take lightly the attack on our State, a discriminatory attack on Alaska.

There are few Senators who have been privileged to be part of a battle for statehood for their State who end up on the floor of the Senate. I think one of my duties as a Senator for Alaska is to see to it that we are not discriminated against. And this is a discriminatory amendment, one that really disturbs me, as I have indicated, greatly. I do hope those who come from States that have national forests will examine the practices in their States.

One of the strange things about this is we have inquired from the Forest Service about the money they are spending for roads in each of the forests. The way they handle the money, it is not too easy to find out how much money is being spent in each of the forests.

But clearly we know there are forest roads being built in the national forests in other States. I believe the Senate should understand the gravity of this kind of discrimination against my State.

I am not offering these amendments yet because I want to confer with my colleague who went home this past weekend since there are no votes

today. I will be here tomorrow to try to explain further our amendments. But I do want to explain to my friends who are the managers of this bill, I hope they will not become overly disturbed with us. But we want to find some way to convince the Senate not to discriminate against our State. If there is some change that should be made to forest roads, it should apply to all forests. And if there is some concept of making a decision with regard to the economics of this aspect of this, let's decide what to do with the Forest Service altogether, not just the Forest Service that applies to Alaska.

I close with what I started. Last year, I think we harvested less than 200 million board feet of timber, less than one-seventh of what was harvested the year I came to the Senate. Successive Congresses have found ways to whittle away, whittle away, whittle away at our ability to use the resources of our State. I think this is a time to ask the Senate to pause and consider that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1038 AND 1039

Mr. SALAZAR. Mr. President, I send two amendments to the desk en bloc and ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes en bloc amendments numbered 1038 and 1039.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1038

(Purpose: To provide additional funds for the payment in lieu of taxes program, with an offset)

On page 171, line 13, strike "\$94,627,000" and insert "\$87,627,000".

On page 172, line 17, strike "\$235,000,000" and insert "\$242,000,000".

AMENDMENT NO. 1039

(Purpose: To provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States)

On page 254, after line 25, add the following:

SEC. 4 _____. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which the fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collecting State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)).

Mr. SALAZAR. Mr. President, I want to just spend a few quick minutes speaking about both of these amendments. The first amendment is an amendment relating to the payment in lieu of taxes.

For those of us who come from the West, where so much of our land is owned by the Federal Government, payment in lieu of taxes is essential for our local governments to be able to function. In my great State of Colorado, most of the western half of the State is owned by the Federal Government. There are many counties in my State that rely on payment in lieu of taxes for up to 90, 95 percent of their budgets.

The amendment I have sent forward that deals with payment in lieu of taxes is an amendment that would add an additional \$7 million into the payment in lieu of taxes fund. That would bring the amount up to a level of consistency with what has come out of the House of Representatives.

I urge my colleagues in the Senate to support the amendment.

Mr. President, the second amendment deals with the Land and Water Conservation Fund. My proposal, in this amendment, is that the user fees that are collected in, for example, ski areas in places such as Montana or Wyoming or Colorado—that those amounts of money be returned back to the Land and Water Conservation Fund in those States in addition to the amount of money they already receive under the Land and Water Conservation Fund.

It seems to me it would be an appropriate investment of these dollars to be invested through the programs of the Land and Water Conservation Fund.

Again, we may be talking more about this in the days ahead, but the Land and Water Conservation Fund has had an exemplary record in the contributions it has made to preserve our water and our air and our land. I think this amendment will be helpful for us as we work on that agenda at a national level.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1040

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator BOND regarding the U.S. Geological Survey.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BOND, proposes an amendment numbered 1040.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence)

On page 154, line 12, strike "That" and insert "That from the amount provided for the biological research activity, \$200,000 shall be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further, That*".

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1041

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator CRAIG of Idaho regarding mineral rights in the Payette National Forest.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. CRAIG, proposes an amendment numbered 1041.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: "*Provided further, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.*"

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1042

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator WARNER of Virginia regarding the National Park Service.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. WARNER, proposes an amendment numbered 1042.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the replacement of the main gate facility at the Wolf Trap National Park for the Performing Arts, Virginia)

On page 149, line 7, after "acquisitions," insert the following: "of which \$4,285,000

shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia."

AMENDMENT NO. 1028

Mr. BURNS. Mr. President, I call up amendment No. 1028 regarding the Great Smoky Mountains.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. FRIST, for himself, and Mr. ALEXANDER, proposes an amendment numbered 1028.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reinstate a provision relating to National Parks with deed restrictions)

On page 254, after line 25, add the following:

SEC. 4 _____. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking "and (i)" and inserting "and (i) (except for paragraph (1)(C))".

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-6a(i)(1)(C)(i)) is amended—

(1) by striking "Notwithstanding subparagraph (A)" and all that follows through "or section 107" and inserting "Notwithstanding section 107"; and

(2) by striking "account under subparagraph (A)" and inserting "account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))".

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1012

Mr. BURNS. Mr. President, I call up amendment No. 1012 offered by Senator ENSIGN regarding the sale of certain lands in Nevada.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. ENSIGN, proposes an amendment numbered 1012.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway)

On page 254, after line 25, add the following:

SEC. 4 _____. (a) In this section:

(1) The term "Federal land" means the approximately 115 acres of Bureau of Land Management land identified on the map as "Lands identified for Las Vegas Speedway Parking Lot Expansion".

(2) The term "map" means the map entitled "Las Vegas Motor Speedway Improvement Act", dated February 4, 2005, and on file in the Office of the Director of the Bureau of Land Management.

(3) The term "Secretary" means the Secretary of the Interior.

(b)(1) If, not later than 30 days after the date of completion of the appraisal required under paragraph (2), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall, not later than 30 days after the date of the offer, convey to Nevada Speedway, LLC, the Federal land, subject to valid existing rights.

(2)(A) Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(B) The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and
(ii) the Uniform Standards of Professional Appraisal Practice.

(C) All costs associated with the appraisal required under subparagraph (A) shall be paid by Nevada Speedway, LLC.

(c) Not later than 30 days after the date on which the Federal land is conveyed under subsection (b)(1), as a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b)(2).

(d) As a condition of the conveyance, any costs of the conveyance under subsection (b)(1) shall be paid by Nevada Speedway, LLC.

(e) If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (b)(1), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (b)(1) in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(g)(1) Except as provided in subsection (b)(1) and subject to valid existing rights, the Federal land is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) The withdrawal of the Federal land under paragraph (1) shall be in effect for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act; or

(B) the date of the completion of the conveyance of Federal land under subsection (b)(1).

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1033

Mr. BURNS. Mr. President, I call up amendment No. 1033 offered by Senator

ENSIGN regarding structures at Lake Tahoe.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. ENSIGN, proposes an amendment numbered 1033.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada)

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1002, 1003, 1015, 1019, AND 1020

Mr. BURNS. Mr. President, I ask unanimous consent, on behalf of Senator COBURN of Oklahoma, to offer en bloc amendments Nos. 1002, 1003, 1015, 1019, and 1020.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. COBURN, proposes en bloc amendments numbered 1002, 1003, 1015, 1019, and 1020.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1002

(Purpose: To reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense)

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 1.7 percent.

AMENDMENT NO. 1003

(Purpose: To require conference report inclusion of limitations, directives, and earmarks)

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House or Senate report must also be included in the conference report in order to be considered as having been approved by both Houses of Congress.

AMENDMENT NO. 1015

(Purpose: To transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities)

On page 233, line 9, strike "126,264,000" and insert "121,264,000".

On page 234, line 5, strike "127,605,000" and insert "122,156,000"

On page 130, line 24, strike "766,564,000" and insert "777,013,000".

AMENDMENT NO. 1019

(Purpose: To transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for federal land acquisition)

On page 133, strike lines 16 through 22.

On page 139, line 24, strike "40,827,000" and insert "8,827,000".

On page 150, line 22, strike "86,005,000" and insert "54,005,000".

On page 207, strike lines 4 through 12.

On page 216, strike "2,732,323,000" and insert "2,853,498,000".

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than \$210,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than \$200,248,000 shall be made available for the Alcohol and Substance Abuse Program.

AMENDMENT NO. 1020

(Purpose: To express the Sense of the Senate that any additional emergency supplemental appropriations should be offset with reductions in discretionary spending)

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) The on-budget deficit for fiscal year 2005 is estimated to be \$541 billion according to the Congressional Budget Office.

(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach \$6 trillion by 2011 according to the Congressional Budget Office.

(3) The United States and its allies are currently engaged in a global war on terrorism.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.

(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.

(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1043

Mr. DORGAN. Mr. President, I send to the desk, on behalf of Senator FEINGOLD, an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. FEINGOLD, proposes an amendment numbered 1043.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Government Accountability Office to conduct an audit of the competitive sourcing program of the Forest Service)

On page 249, line 19, before the period, insert the following: "conducted in accordance with generally accepted full cost accounting principles".

On page 250, between lines 23 and 24, insert the following:

(e) AUDIT.—(1) In this subsection:

(A) The term "baseline organization" means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.

(B) The term "new organization" means the private contractor, or the most efficient public agency, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.

(2) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of the competitive sourcing program of the Forest Service.

(3) The audit shall include—

(A) an analysis of the costs and benefits of the competitive sourcing initiative conducted by the Forest Service;

(B) an analysis of existing procedures to track (in accordance with full cost accounting principles) all costs required to calculate accurate savings or losses attributable to a competitive sourcing study, and recommendations on how the existing procedures can be improved, including all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing (including personnel, consultant, travel, and training costs associated with program management), including—

(i) costs incurred by the Forest Service before initiation of the competitive sourcing study in performing the work to be studied with the baseline organization;

(ii) costs of performing the competitive sourcing study, including—

(I) travel and per diem costs;

(II) training and communications costs;

(III) contractor costs; and

(IV) the cost to the Federal Government of Federal employees working on any aspect of the study or performing any work necessitated by the study;

(iii) costs of implementing the competitive sourcing study results, including costs described in clause (ii) and costs associated with buyouts, transfers of station, and reductions in force;

(iv) ongoing operational costs of performing the work with the new organization employed as a result of competitive sourcing study, including any modifications to the contract or letter of obligation necessitated by omissions in the statement of work of the solicitation;

(v) costs associated with oversight and maintenance of the contract or letter of obligation;

(vi) savings realized or costs borne by the Forest Service that are not included under clause (iv), including savings or costs due to—

(I) changes in the timeliness or quality of the work provided by the new organization;

(II) changes in procedures of the Forest Service necessitated by the new organization;

(III) the assignment to employees or contractors outside of the new organization of duties previously performed by the baseline organization; and

(IV) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a collateral basis; and

(vii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;

(D) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and

(E) an analysis of—

(i) the A-76 study that resulted in the information services organization and the continuing Federal Government activity;

(ii) the A-76 study of Region 5 fleet maintenance work that resulted in the transfer of work to Serco; and

(iii) the financial management improvement project, accomplished by means of business process reengineering.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1044

Mr. DORGAN. Mr. President, I have an amendment on behalf of Senator BYRD that I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BYRD, proposes an amendment numbered 1044.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the White Sulphur Springs Fish Hatchery)

On page 139, line 5, before the period insert the following: "Provided further, That of the total amounts made available under this heading, \$350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery".

AMENDMENT NO. 1045

Mr. DORGAN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send to the desk an amendment by Senator CONRAD and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. CONRAD, proposes an amendment numbered 1045.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for a brownfields assessment of the Fortuna Radar Site)

On page 195, line 7, after "costs", insert the following: ", of which \$200,000 shall be made available for a brownfields assessment of the Fortuna Radar Site".

AMENDMENT NO. 1046

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of Senator SARBANES and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. SARBANES, for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI, proposes an amendment numbered 1046.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail)

On page 254, after line 25, add the following:

SEC. 4 _____. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

"(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312); and

"(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267)."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. BAUCUS. Mr. President, in the book of Isaiah, the prophet wrote,

"[M]y people have gone into captivity, because they have no knowledge."

Francis Bacon wrote, "Knowledge itself is power."

And when H.G. Wells summed up his history of the world, he concluded: "Human history becomes more and more a race between education and catastrophe."

In the next two decades, America's history will become more and more a race for economic leadership. For more than a century, America's economy has set the pace. We have led all competitors. Year after year, we have become used to winning the race.

But now, over our shoulder, we can hear the footsteps of another runner. That competitor is China. And it is gaining fast.

If we wish not to go into economic subservience, if we wish to maintain our economic power, if we wish to avert economic misfortune, the answer is education.

America's economic leadership has been a remarkable achievement. We Americans are just 4.6 percent of the world's people. More than a fifth of the world's people live in China. There are nearly 4½ times as many Chinese as there are Americans.

Yet America produces 60 percent more goods and services than China.

That is how Americans can enjoy one of the world's foremost standards of living. The average American's share of our economic output is \$37,610 a year. The average Chinese's share of theirs is \$1,100 a year.

But from a slow start, China has picked up the pace. Starting with Deng Xiaoping in the late 1970s, China began to reform its economy. Deng was eminently practical, when it came to economic philosophy. He said: "It doesn't matter whether the cat is black or white, as long as it catches mice." Today, you can find those capitalist cats everywhere in China.

Over the last two decades, China's economy has been growing at an average of 9.5 percent, nearly three times as fast as America's. And some project that within 20 years, China's could become the world's largest economy, ending more than a century of American leadership.

You can see how they do it at an American or Japanese factory in Shanghai. You see rows and rows of hardworking workers, in colorful uniforms, at well-lit work stations. The company pays them about \$2,000 a year, plus food and housing benefits. But that is good money in a country with an average income of \$1,100 a year. The workers there want to keep their jobs. And 200 million other workers stand ready to take their jobs if they do not.

The challenge for America in the decades to come will be: How can America compete with that factory in Shanghai? How can we get paid \$37,000 a year or more to make goods and perform services, when there are Chinese workers willing to work hard for \$2,000 a year?

The answer is not protectionism. We cannot build a wall around America. We cannot lift the drawbridge and flood a moat around our Country.

If American companies do not employ those willing workers at the Shanghai factory, companies from Japan and Italy and China itself will. Then Japanese and Italian and Chinese companies will sell products more cheaply into America. And American consumers will gladly buy those products at lower prices. American consumers will insist on buying those products at lower prices.

If America raises tariffs on goods made in China, then American consumers will pay more for their cost of living than will people in other countries. Americans will have less money to spend on other things that they want, less money to spend on other things in America. The American economy will be smaller, if America raises tariffs.

If America raises tariffs, then American businesses will pay more for their industrial inputs than will businesses in other countries. American businesses will become less competitive, lose sales, and lose jobs. Once again, the American economy will be smaller, if America raises tariffs.

No, the answer to how America can compete with that factory in Shanghai is not protectionism.

The way that we can get paid \$37,000 for our work—when Chinese workers are willing to work for \$2,000—is for Americans to add more value. Americans earn more because we produce better. Americans produce smarter.

And that means that for us to remain economic leaders of the world, Americans need to stay smarter. We need to educate our children and our workers so that American workers can add more value in an hour of work than workers in any other place in the world.

Knowledge will be economic power.

Ensuring that we continue to have more knowledge than the Chinese will not be easy. China has worked on its education system. Nine out of ten Chinese can read.

It is very Chinese to take the long view. More than 2,600 years ago, the master Kuan Chung said:

If you plan for a year, plant a seed. If for 10 years, plant a tree. If for a hundred years, teach the people. When you sow a seed once, you will reap a single harvest. When you teach the people, you will reap a hundred harvests.

We need to plant those seeds of education and tend those young saplings, in our public schools. In 1835, the Supreme Court Justice Joseph Story wrote:

Every successive generation becomes a living memorial of our public schools, and a living example of their excellence.

Ensuring that our schools are a living example of excellence will take more than just money. But ensuring that our schools are a living example of excellence will take money, as well.

We need to ensure that children can come to school ready to learn. We need to ensure that children have modern and well-equipped schools. We need to ensure that children have small classes. And most importantly, we need to ensure that children have good teachers.

In the next decade, America will need to hire 2 million new teachers. One in five new teachers leave teaching within three years. In urban schools, half of teachers leave the profession within 5 years.

Nearly two out of five low-income children are taught by teachers without a college degree in their primary instructional field. Low-income students are taught by more teacher's aides than credentialed classroom teachers. Four out of five aides do not have a 4-year college degree.

Columnist Tom Friedman wrote recently:

We are heading into an age in which jobs are likely to be invented and made obsolete faster and faster. The chances of today's college kids working in the same jobs for the same companies for their whole careers are about zero. In such an age, the greatest survival skill you can have is the ability to learn how to learn. The best way to learn how to learn is to love to learn, and the best way to love to learn is to have great teachers who inspire. And the best way to ensure that we have teachers who inspire their students is if we recognize and reward those who clearly have done so.

We need to give good teachers the recognition that they deserve. Friedman told how every year, Williams College honors four high school teachers who made a difference. Every year, members of its senior class nominate their best high school teachers. A committee at Williams then goes through the nominations, does its own research, and chooses the four most inspiring teachers.

Williams gives each of the teachers \$2,000, plus a \$1,000 donation to the teacher's high school. And Williams flies the winners and their families to the college to honor them at graduation.

Williams's president, Morton Schapiro, told Friedman: "We take these teachers, who are not well compensated and often underappreciated, and give them a great weekend."

Said Shapiro: "Every time we do this, one of the teachers says to me, 'This is one of the great weekends of my life.'"

It's a great idea.

Each of us can do our part. I have started a program that will recognize Montana teachers acknowledged for excellence. This is something that all Senators can do in their home States. A little recognition can go a long way.

But if knowledge is power, then we must also devote the resources necessary to maintain that power.

Columnist Matt Miller argues: "The answer is to think bigger." He suggests that we make the best teachers millionaires by the time that they retire.

Miller proposes a "grand bargain" where we raise salaries for teachers in

poor schools by 50 percent. And in return, teachers would agree to change their pay scale so that we could raise the top performers and those in math and science another 50 percent.

Miller, who used to work at the Office of Management and Budget, calculates that his plan would cost about \$30 billion a year. That would provide a 7 percent increase in the nation's K-through-12 spending.

I ask my colleagues: Why don't we invest \$30 billion for top teachers, and pay for it by closing abusive tax shelters?

And we need to help students to learn math and science. Companies are moving jobs offshore to China, India, and Eastern Europe not only because workers there work for less, but also because they are well educated in math and science.

Sadly, American high school students now perform below most of the world on international math and science tests. Most have little interest in pursuing scientific fields. Only 5.5 percent of the high school seniors who took the college entrance exam in 2002 planned to pursue an engineering degree. We have to do more to encourage students to love to learn math and science.

And we need to help students to learn geography and languages. Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic children will greet you in English. Chinese schools are preparing students to compete in a multinational, multilingual world economy. The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic and geographic abilities, or Chinese businesspeople will cut the deals before us. As our former Colleague Bill Bradley said in 1988, "If we are going to lead the world, we have to know where it is."

And after school, almost 6 million latch-key children go without access to after-school learning opportunities. More than seven in ten mothers of children under 18 are in the workforce. America can no longer afford a school day based on 1950s family structures. Quality after-school programs can both keep children safe and improve academic achievement. We need to ensure that children have quality after-school programs.

Similarly, we continue to have a school year that reflects the harvest schedule of an agrarian economy that America long ago left behind. Long summer vacations mean reading levels drop and other learning is lost.

Schools like Des Moines's Downtown School point to another way. They have a six-week summer break. And that means less time to forget. Besides six weeks in the summer, students also have week-long breaks in October, February, and May.

Jan Drees, the principal of the Downtown School, says: "The research is becoming more and more clear that students retain more learning and need

less review with shorter summer breaks."

The Downtown school is popular, too. More than 800 children are on a waiting list to get into the school.

Iowa law requires schools to provide a minimum of 180 instructional days a year. But the Downtown School teaches students for 192 days a year. They are getting more learning in, every year. For Americans to stay smarter, students should spend more of the school year in school.

China's increasing competitive strength is also fueled by its growing population of college graduates. Last year, nearly 3 million Chinese entered the workforce from 3- and 4-year colleges and graduate programs. This is one-third more than the year before, and double the year before that.

America's college system is the finest in the world. And the work of the 21st century increasing demands good college education. But rising college costs increasingly bar Americans from getting the college education for which they are qualified.

We must make college affordable for all. We need to ensure that young Americans are not discouraged from obtaining post-secondary education because of costs. Tuition costs have risen considerably in recent years. And federal assistance programs have not kept pace.

Pell Grants help to make college education affordable for 5 million students, a third of American undergraduates. But students receive grants averaging just \$2,500 a year, while the average annual cost of tuition at a public college in-state averages more than \$9,000 a year, and private college averages more than \$23,000 a year. The most that a student can get in Pell Grants is \$4,050 a year. Expanding Pell Grants would increase the ability of low-income young Americans to prepare for the 21st century.

As well, we should improve, consolidate, and expand the government's education tax incentives to make them more effective. We could expand and extend the deduction for tuition expenses. We could expand the Hope and Lifetime Learning credits. We could craft targeted incentives for students pursuing science and engineering careers. We could do more to make it possible for non-traditional students to obtain an education. There are many good options.

As with elementary school students, we need to help encourage college students to learn the subjects needed in the 21st century.

In 1975, America ranked third in the world in the share of 24-year-olds who held a science or engineering degree. By 2000, we had slipped to 15th. By 2004, we were 17th. And in the future, the Department of Labor projects that new jobs requiring science, engineering, and technical training will increase four times faster than the average national job growth rate.

Last year, China produced 220,000 new engineers, while America educated just

60,000. And America trains only half as many engineers as Japan and Europe.

In a recent report, McKinsey Global Institute found that there are already twice as many young university-trained professionals in low-wage countries as in high-wage countries. China has twice as many young engineers as America.

Engineers play a critical role in the development of new jobs and new industries. We should increase scholarships and loan forgiveness for engineering students to entice more people to love to learn engineering.

At that Shanghai factory, American and Japanese research and development stand behind many of the products being built. But ask the American or Japanese company their plans, and they will tell you that they plan to move R&D work closer to the plant, there in China. And Shanghai's government hopes to lure more R&D to town. Chinese business understands that innovation is the source of American value-added. And they want part of that action, too.

Clive Cookson reported in the Financial Times about a bioscience park outside Beijing. A firm there called CapitalBio is emerging as a world leader in the new technology of biochips. Biochips are cutting-edge devices that combine biotechnology and electronics for biological testing and medical diagnostics. The 4-year-old company is already selling instruments to American drug companies.

Last month, CapitalBio entered into a partnership with Affymetrix in California, the world's largest biochip producer. CapitalBio's chief executive said: "Affymetrix had never imagined that there was such a big research effort in biochips in China, working to such a high standard."

Dozens of similar examples exist. Already, several Asian countries boast of such science and technology centers. They are following in Japan's wake as world-class centers for research and development.

Asia's R&D investment and scientific output have both surged rapidly. Between 1998 and 2003, China's research and development spending roughly tripled.

You can judge a scientific paper's effect by how often other researchers cite it. The number of frequently-cited Chinese research papers has risen from just 21 in 1994 to 223 in 2003. And China's contribution to the world's scientific journals has increased from less than half a percent in 1981 to more than 5 percent in 2003.

And Chinese researchers will do research for less cost. Newly-graduated researchers in China generally earn about a quarter of what Americans do. For more senior staff, salaries are usually at least half American salaries. And in exceptional cases, they can sometimes exceed ours.

Chinese scientists who have returned after studying and working in the west are playing an important role. In Beijing, CapitalBio's CEO said that he

“made a special effort at the beginning to attract [Chinese expatriates] from abroad, with salary and stock options. We offered at least to match the salaries that senior scientists were receiving; the highest we offered was \$120,000 a year,” he said.

So far, Asia has been able to make a global mark only in a few new areas of the life sciences where western expertise is not entrenched. Stem cell technology is an example. South Korea, China, Singapore, and India are racing ahead on stem cell research. Those countries accept human embryo research in a way that the American government has not.

But America still has an advantage in innovation. And America also benefits from a risk-taking entrepreneurial culture. You can see it in the venture capital that funds companies spun out of American research laboratories or universities. America’s capital markets remain the envy of the world.

We can help to maintain that edge in innovation by supporting research. American universities and research institutes do much of the most innovative research in the world.

But over the last 20 years, Federal research funding in the physical sciences and engineering has declined by nearly a third as a share of the economy.

We should reverse this trend and increase Federal spending on basic research. The money we spend will come back to us many times over in the creation of new jobs in new industries making products yet to be invented.

We should support the National Science Foundation. The NSF funds research and education in science and engineering through a variety of successful programs. It accounts for a fifth of all Federal support to academic institutions for basic research, a crucial engine of innovation.

NSF funds have helped discover new technologies that have led to multi-billion dollar industries and millions of new jobs. NSF-funded work in the basic sciences and engineering made possible fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

Each year, the NSF helps fund over 200,000 students, teachers, and researchers. Many of them take their NSF-supported work into industry. They found start-up companies selling new products and new technologies.

In addition, we should make it easier—consistent with the requirements of national security—for foreign students to study in America. America has traditionally poached many of the best and brightest students from around the globe. Well over a third of American science and engineering doctorate holders were born abroad.

Since 9/11, however, many students are having a difficult time getting visas to study in America. In 2004, foreign applications to American graduate schools declined by 28 percent. Enrollments of foreign students at all lev-

els of college declined for the first time in 30 years.

Foreign students are increasingly studying in Europe and elsewhere. That is a terrible loss. It will affect our economic health in the long-term. We need to do a better job balancing security and economic health.

America must not compromise on its security needs in hosting foreign businesspeople or foreign students. But there must be ways to streamline visa procedures and otherwise lighten the burden. We need to make it easier for foreigners to study and conduct business in America.

We should support community colleges, and strengthen the link between them and the workforce. That will allow schools to develop training programs relevant to jobs in the real world. That is a primary goal of the Enzi-Baucus Higher Education Access, Affordability and Opportunity Act.

And when American jobs are lost to trade, we need to retrain people and help them to get back into the workforce. The philosopher and educator John Dewey said, “Education is not preparation for life; education is life itself.” We can no longer afford to think of education as something just for the young.

We need to help displaced workers to receive the retraining that they need to succeed in a changing economy. Jobs will change. We should help workers to get the educational tools to change with those jobs.

That is why I joined with Senators WYDEN and COLEMAN to introduce legislation to expand Trade Adjustment Assistance to service workers who lose their jobs because of trade. TAA is a vital means of helping displaced workers get the education to change careers and stay productive.

When Plato envisioned the ideal society in his work *The Laws*, he wrote of the importance of education, through the course of life. He wrote:

[N]owhere should education be dishonored, as it is first among the noblest things for the best men. If it ever goes astray, and if it is possible to set it right, everyone ought always to do so as much as he can, throughout the whole of life.

And so, through advancing education, America can compete with that factory in Shanghai. Through advancing education, America can respond to competition, without erecting harmful barriers to trade. And through advancing education, America can respond to a growing China, without forcing confrontation with China.

University of California economist Brad DeLong wrote of the choice that we face in how we address the challenge of China. He wrote:

A world 60 years from now in which Chinese schoolchildren are taught that the U.S. did what it could to speed their economic growth is a much safer world for my great-grandchildren than a world in which Chinese schoolchildren are taught that the U.S. did all it could to keep China poor.

Through advancing education, America can seek that safer world.

But perhaps most importantly, America should seek to advance education not just to preserve our economy, but also to preserve our freedom.

As Senator Daniel Webster said in a speech in 1837, “On the diffusion of education among the people rest the preservation and perpetuation of our free institutions.”

As Thomas Jefferson wrote in 1816, “If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.”

And as the Phrygian philosopher Epictetus said, “Only the educated are free.”

And so, let us advance education to preserve our economic power.

Let us advance education to win the race for economic leadership.

And most importantly, let us advance education to help preserve our American democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the Senator from Arkansas allowing me to either call up or offer three specific amendments.

AMENDMENT NO. 1048

Mr. KYL. Mr. President, I call up, on behalf of Senator SMITH, amendment No. 1048.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. SMITH, proposes an amendment numbered 1048.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to report to Congress on the rehabilitation of the Biscuit Five area of southern Oregon)

SEC.— BISCUIT FIRE RECOVERY PROJECT, REPORT.

(a) Within 90 days of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the rehabilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision;

(2) the commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area; and

(3) all actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

AMENDMENT NO. 1049

Mr. KYL. Mr. President, I call up, on my behalf, amendment No. 1049.

The PRESIDING OFFICER. Without objection, the last amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1049.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certain earmarks for State and tribal assistance grant funds)

On page 195, line 9, after the semicolon, insert the following: "\$500,000 shall be for debt retirement for the State Water Pollution Control Revolving Fund for the wastewater treatment plant in Safford, Arizona; \$3,000,000 shall be for the expansion of the wastewater treatment plant in Lake Havasu City, Arizona; \$1,000,000 shall be for the expansion of the wastewater treatment plant in Avondale, Arizona;".

AMENDMENT NO. 1050

Mr. KYL. Mr. President, I ask that the pending amendment be laid aside, and I call up amendment No. 1050.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1050.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds)

On page 254, after line 25, add the following:

SEC. 4. Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
(2) by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this subsection:

“(1) NEEDS SURVEY.—The term ‘needs survey’ means a need survey under section 516(2).

“(2) NEEDS SURVEY PERCENTAGE.—The term ‘needs survey percentage’, with respect to a State, means the percentage applicable to the State under a formula for the allotment of funds made available to carry out this section for a fiscal year to States in amounts determined by the Administrator, based on the ratio that—

“(A) the needs of a State described in categories I through VII of the most recent needs survey; bears to

“(B) the needs of all States described in categories I through VII of the most recent needs survey.

“(3) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia; and

“(C) the Commonwealth of Puerto Rico.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Funds made available to carry out this section for a fiscal year shall be allocated by the Administrator in accordance with this subsection.

“(2) INDIAN TRIBES.—Of the total amount of funds available for a fiscal year, the Administrator shall reserve, before making allotments to States under paragraph (4), not less than 1.5 percent of the funds to be allocated to Indian tribes (within the meaning of section 518(c)).

“(3) CERTAIN TERRITORIES AND FREELY ASSOCIATED STATES.—Of the total amount of funds made available for a fiscal year, 0.25 percent shall be allocated to and among, as determined by the Administrator—

“(A) Guam;

“(B) American Samoa;

“(C) the Commonwealth of the Northern Mariana Islands;

“(D) the Federated States of Micronesia;

“(E) the Republic of the Marshall Islands;

“(F) the Republic of Palau; and

“(G) the United States Virgin Islands.

“(4) STATES.—

“(A) TARGET ALLOCATION.—Each State shall have a target allocation for a fiscal year, which—

“(i) in the case of a State for which the needs survey percentage is less than 1.0 percent, shall be 1.0 percent; and

“(ii) in the case of any other State, shall be the most recent needs survey percentage.

“(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher total needs both in absolute dollar terms and as a percentage of total United States needs.”.

AMENDMENT NO. 1051

Mr. KYL. Mr. President, on behalf of Senator INHOFE, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. INHOFE, proposes an amendment numbered 1051.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage competition in assistance agreements awarded by the Environmental Protection Agency)

On page 200, after line 2, add the following:

SEC. .
None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

Mr. KYL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today to thank the chairman, Senator CONRAD BURNS, and the ranking member, Senator BYRON DORGAN, of the Appropriations Subcommittee on the Interior for their support of a project that is most important to me: the National Park Service’s Little Rock Central High School Museum and Visitors Center.

Due to Senator BURNS’ and Senator DORGAN’s ongoing efforts, the new Little Rock Central High Museum and Visitors Center is back on track to be built for the 50th anniversary of the 1957–1958 Little Rock desegregation crisis. I thank the subcommittee staff, Bruce Evans and Peter Kieffhaber, for their help as well in making this project a reality.

This is important because in September of 2007, it is anticipated that we will have a very large 50th anniversary commemoration and celebration of the Little Rock Central High School desegregation crisis. Hopefully, one of the things that we will have there to show-

case is a brand new visitors center that will allow people to learn about not only Little Rock Central High and the role it played in integration, but also learn about the civil rights movement in general.

I remind my colleagues and others listening about the events that took place at Little Rock Central High almost 50 years ago.

Little Rock Central High School was a place in 1957 where nine Black teenagers integrated the all-White Central High in Little Rock, testing the Brown v. Board of Education Supreme Court decision that ultimately ended legal segregation in our schools in this Nation.

To its credit, the Little Rock School Board took Brown v. Board of Education seriously. When the Supreme Court said “all deliberate speed,” they took that literally. They looked at their calendars and thought: That decision came out in 1954. They probably thought they could not get it done in 1955, probably not in 1956, but in the fall of 1957, they made the determination that they could have the high school in Little Rock ready to integrate.

As these nine teenagers attempted to enter the doors of Central High School, they were confronted with an angry, rampaging mob. President Eisenhower was forced to order Federal troops to Little Rock to end the brutal intimidation campaign mounted against the Black children and to uphold the Brown decision.

The Little Rock Nine—Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, and Melba Pattillo Beals—changed the course of American history by claiming the right to receive an equal education.

I must not let the moment pass without mentioning the amazing courage exhibited by Daisy Bates of Little Rock who was a civil rights leader and, by all accounts, was a key person in making equal education a reality in Arkansas and also in the Nation.

Little Rock Central High School Museum and Visitors Center will provide America with an understanding of the events of 1957 and 1958, the broader civil rights movement, and how the bravery of the Little Rock Nine still influences life in the 21st century. It will teach our youth that nine young high school students proved that all men are created equal and that the rule of law is paramount in the democracy of the United States. It will remind the world that children all over America have the right to learn because of the courage and the sacrifice of the Little Rock Nine.

We have been racing against time to secure the funds to build the center in time for the 50th anniversary of the crisis. On June 9 of this year, I had the privilege of having a conference call with eight of the nine. By the way, all

nine are still living. I had the privilege of having a conference call with eight of the nine and reporting news that Senator BURNS and Senator DORGAN had provided the crucial \$5.1 million for the Central High center in this year's bill.

The joy expressed by the Little Rock Nine made me once again reflect on their acts of courage and heroism. Their gratitude made me reflect on their continuing self-sacrifice and the importance of our—the Senate's—support to share their story with our current generation and generations to follow.

In the words of Minnijean Brown Trickey, the funds in this bill are "an affirmation of a very beautiful and tragic story."

Carlotta Walls LaNier said:

With this museum, visitors will remember the events of 1957, but more importantly understand the difference individuals can make in promoting equal rights and tolerance.

On behalf of Little Rock Nine, the Arkansas delegation, and the Nation, I express my deepest gratitude for the support of Little Rock Central High School Museum and Visitors Center. I thank my colleagues for ensuring that these extraordinary achievements are recorded and shared for a better America.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, while the Senator from Arkansas is on the floor, I want to mention to him how pleased I was to play a very small role in getting funding for this and give him a little background of why I have had a special interest in this.

One of the more inspirational things I ever attended was in the East Room at the White House, perhaps some 5 years ago, an event at which President Clinton had invited the Little Rock Nine. There they sat, these nine people, on a riser in the East Room of the White House as part of a celebration of the 45th anniversary of when those then-nine young children marched into the Little Rock school and integrated the Little Rock school.

That integration was ordered by Judge Ronald Davies of North Dakota. He was a Federal judge who was from the Fargo Federal district in North Dakota who traveled to Little Rock, AR, and issued the landmark ruling that resulted in the integration of that school.

I was privileged to name a courthouse, in legislation, after Judge Ronald Davies about 5 years ago because I wanted North Dakotans to long remember this man. He was a short fellow, 5 foot 2, perhaps. He strutted around with great flair, but was a remarkable Federal judge by all accounts and issued a courageous decision. He was, in fact, required to have security because of threats on his life when he issued the landmark civil rights decision that required the integration of that school.

With respect to the story, I want to read a couple paragraphs from Prairie

Public Television in North Dakota. They did an interview with the judge's family. It talked about when Judge Davis and Governor Faubus were deadlocked and the nine students were still not in school. There was an injunction that had been ordered.

On September 20th, Davies ruled that Faubus used the National Guard to prevent integration, not to prevent violence, and the governor was forced to withdraw the troops. The situation was now in the hands of the Little Rock Police Department.

There was a mob of a thousand people outside Central High School when those young students were ushered in. Everyone will recall the Norman Rockwell portrait of a young Black schoolgirl in pigtails and knee socks holding the hand of a U.S. Marshal walking into the Little Rock public school.

The crowd learned the students were inside, and out of fear for their safety, the police then evacuated them. President Eisenhower issued a special proclamation that evening, calling for opponents of integration to "cease and desist."

... The next morning, Little Rock's mayor sent the president a telegram asking him to send troops to maintain order.

President Eisenhower sent 10,000 Arkansas National Guard and 1,000 members of the 101st Airborne. Those young students the next day, under heavy guard with substantial military around the city, entered Little Rock Central High School.

I tell my colleague that only to say that Judge Ronald Davies, this Federal judge from North Dakota, played a very pivotal role in making that day happen with his ruling and paid quite a price for it at the time, with threats on his life and anger about what he had done.

But 45 years after that Little Rock day, sitting in that room with now middle-aged African Americans, to understand the courage it must have taken not just for them, especially them, but their parents, that they forced this issue, not just on behalf of these students but on behalf of all in this country who were similarly situated and similarly mistreated. I could not feel more strongly and feel more inspired about what this center will mean to those nine, to both Senators from Arkansas, but also to the relatives of Judge Davies and so many others who had a role in making this event happen that has literally changed the lives of a good many Americans.

I heard the Senator speak and wanted to acknowledge his appreciation and say that we are the ones really who appreciate the opportunity to do this.

Mr. PRYOR. I thank the Senator. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1052

Mr. BYRD. Mr. President, our country is now involved in two wars—not one, two wars; one in Afghanistan and the other in Iraq. Each day we read in the newspapers about the human toll this nation is paying. As of today, 1,730

troops, men and women, have been killed in Iraq; 194 have been killed in Afghanistan and elsewhere. The toll of these wars is also borne by those men and women who carry the scars of battle.

In Iraq, more than 13,000 troops have been wounded. In Afghanistan, 476 troops have shed their blood in service to our country. The American people thank these servicemembers for their sacrifice. However, late last week, Congress learned that the Department of Veterans Affairs has been shortchanged in its mission to provide medical care to these warriors and all of the other men and women who have served in time of war before them.

Now, this is a shame. This is a sham. If our Nation owes just one thing to all of those men and women who have risked their lives in answer to our country's call, it surely must be, in the words of Abraham Lincoln, "to care for him who shall have borne the battle."

It is a shock that the administration has only now revealed it has not budgeted the funds to fulfill this mission. I offer an amendment this afternoon on behalf of Senator PATTY MURRAY, myself, and Senator FEINSTEIN to provide \$1.42 billion in emergency funds to address the shortfall in health care funds for the Department of Veterans Affairs. Of this figure, \$600 million would be used to reimburse VA construction accounts that have been raided to pay for health care costs. Another \$400 million would be used to reimburse other accounts that have been raided for the same purpose.

Finally, an additional \$420 million is included to compensate each Veterans and Integrated Service Network, or VISN, for the additional expenses incurred because of the high caseload of wounded veterans. This \$1.42 billion is urgently needed and the Senate must not delay in providing the funds that are required to allow our veterans to see their physicians at the Department of Veterans Affairs.

Earlier this year, the Senate rejected on a nearly party-line vote an amendment to the Iraq supplemental appropriations bill to add funding to VA health care. The administration told Congress additional funds were not needed to care for our Nation's veterans. We now know this claim was wrong. According to the estimate provided to Congress by the Department of Veterans Affairs, VA funding is short \$1 billion this year. Congress must act to care for our veterans. When it comes to our veterans health care, half a loaf is not good enough.

Some may argue against this amendment by urging the Senate to wait for the administration's plan. However, according to VA testimony before the House of Representatives last week, the administration intends to respond to the shortfall on the cheap by robbing Peter to pay Paul. We have already waited too long for the administration to recognize the needs of our

veterans. The Murray-Byrd-Feinstein amendment is the Senate's opportunity to end this year's shortchanging of veterans.

I ask unanimous consent that the pending amendment be set aside so that I may send to the desk this amendment offered by me on behalf of Mrs. MURRAY, for herself, myself, and Mrs. FEINSTEIN.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mrs. MURRAY, for herself, Mr. BYRD, and Mrs. FEINSTEIN, proposes an amendment numbered 1052.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)

On page 254, after line 25, add the following:

SEC. 429. (a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs \$1,420,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, of which \$420,000,000 shall be divided evenly between the Veterans Integrated Service Networks.

(b) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(c) This section shall take effect on the date of enactment of this Act.

AMENDMENT NO. 1053

(Purpose: To provide funds for the memorial to Martin Luther King, Jr.)

Mr. BYRD. Mr. President, the greatness of women and men is often best judged from an historical perspective. History gives us the detached perspective that allows us to better understand and appreciate the person, the cause, and the legacy.

This happens because great individuals often have been leaders who challenged the status quo as they pushed the country into areas where it had feared to go. As a result, such leaders often arouse criticism and opposition.

The Reverend Dr. Martin Luther King certainly was a controversial figure in his own time.

Black power advocates attacked him for moving too slowly, while more than one presidential administration attacked him for moving too swiftly.

The NAACP criticized his take-to-the-streets tactics.

Civil rights leaders broke with Dr. King because of his opposition to the Vietnam War.

I certainly had my share of differences with Reverend King—a lot of them. We were both products of our times, and both of us were doing what we believed was right.

But time and the march of history afford a better understanding of Dr. King and his contributions toward making

the United States a better, stronger, and greater Nation.

It is for this reason, I am proposing that \$10 million in funding be made available for the memorial to Dr. Martin Luther King, Jr. This \$10 million, which is available within the subcommittee's allocation, would supplement the approximately \$42 million that has already been raised and stands as a solid foundation to help make this memorial a reality.

I have come to appreciate how Martin Luther King, Jr., sought to help our Nation overcome racial barriers, bigotry, hatred, and injustice, and how he helped to inspire and guide a most important, most powerful, and most transforming social movement.

Despite the hatred and the bigotry he encountered in his efforts, Dr. King never allowed his movement to be reduced to a simple racial conflict. He stressed on more than one occasion, that the struggle was not one between people of different colors. Rather, Dr. King believed that his fight was a fight "between justice and injustice, between the forces of light and the forces of darkness."

His vision and his movement included all Americans. I remind my colleagues, and all Americans, that when Martin Luther King stood on the steps of the Lincoln Memorial and proclaimed that he had "a dream," he pointed out that he also looked forward to the time "when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands."

I remind my colleagues that Dr. King's efforts also focused on the economic rights of economically deprived people of all races and creeds, as well as on the civil rights of African Americans. In this quest, he proposed a Bill of Rights for the Disadvantaged. He advocated a guaranteed national income. At the time of his death, Dr. King was organizing a "Poor Peoples March" on Washington, an effort meant to focus national attention on poverty among not only African-Americans, but among the poor whites of Appalachia, as well.

Dr. King's vision was not only about what America could be, but what America should be.

With the passage of time, we have come to learn that his dream was the American dream, and few ever expressed it more eloquently.

Dr. King touched the conscience of a Nation, and forced us, as a country, to confront our contradictions. How could the United States present itself as the leader of the free world, he asked, while denying equality and equal opportunity to a large segment of our own people? In his book, "Where Do We Go from Here," Dr. King asked why 40 million Americans were living in poverty in "a nation overflowing with unbelievable affluence." Writing of the destructive effects of militarism, he asked: "Why [has] our nation placed itself in the position of being God's military agent on earth?" "Why have we substituted the arrogant under-

taking of policing the whole world for the high task of putting our own "house in order?"

With his works as well as his words, Dr. King left us a legacy that inspires and guides millions of Americans today. It is a legacy that demonstrates that human problems, no matter how big or complex, can be addressed—a legacy that proves that one determined person can help make a difference.

Amid all his successes and triumphs, and all of his personal accomplishments, including receiving the Noble Peace Prize, Dr. King always kept his perspective. The night before he was assassinated, he explained: "I just want to do God's will." What a powerful statement this was: "I just wanted to do God's will." What an inspiration it should be to all of us: "To do God's will."

Criticized, denounced, and opposed in his own time, Martin Luther King has become not only an American icon, but also an international symbol of social justice, and one of recent history's most beloved champions of freedom.

Mr. President, we have named a National Holiday in his honor. It is just and proper that we now place a memorial on The Mall of the Nation's Capital as a visible and tangible symbol of the thanks of a grateful nation. Martin Luther King taught us tolerance. How we need such teachings today. May his life, his legacy, and someday soon, his memorial ever remind us of his vision.

I am about to offer an amendment, and Senator COCHRAN, the illustrious chairman of the Appropriations Committee in the Senate, is the principal cosponsor of the amendment that I will offer, so it is bipartisan. I thank Senator COCHRAN, and I hope that many other Senators will join us in this effort to honor Dr. King.

Mr. President, I ask unanimous consent that the pending amendment or amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That I may offer this amendment on behalf of myself and Senator COCHRAN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. COCHRAN, proposes an amendment numbered 1053:

On page 189, after line 20, add the following:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Interior \$10,000,000, to remain available until expended, for activities authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333).

(b) Section 508 (c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333) is amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the amount reduced in Title I in

the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by \$10,000,000.

Mr. BYRD. Mr. President, I thank the Chair. I thank the clerk, and I thank our distinguished chairman of the Senate Appropriations Committee, Senator COCHRAN.

Now I ask unanimous consent that Senator KERRY be added as a cosponsor on the veterans amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank all Senators.

AMENDMENTS NOS. 1054, 1055, 1056, 1057, AND 1058,
EN BLOC

Mr. DORGAN. Mr. President, let me send the amendments to the desk. I have five amendments that I submit on behalf of Senator BINGAMAN. Let me ask first that the pending amendment be set aside by consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me by consent submit five amendments and ask that they be numbered separately and separately considered on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1054, 1055, 1056, 1057, and 1058.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1054

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)
On page 130, line 2, strike "\$1,000,000" and insert "\$1,250,000".

On page 138, line 7, strike "\$2,000,000" and insert "\$2,500,000".

On page 146, line 19, strike "\$1,937,000" and insert "\$2,500,000".

On page 211, line 25, strike "\$2,000,000" and insert "\$2,500,000".

AMENDMENT NO. 1055

(Purpose: To provide for the consideration of the effect of competitive sourcing on wildland fire management activities)

On page 250, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration and document the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

AMENDMENT NO. 1056

(Purpose: To strike the title providing for the disposition of Forest Service land and the realignment of Forest Service facilities)

Beginning on page 255, strike line 1 and that follows through page 263, line 22.

AMENDMENT NO. 1057

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and that follows through page 263, line 22, and insert the following:

SEC. 4 _____. Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "40 sites" and inserting "60 sites";

(2) in subsection (c), by striking "13 sites" and inserting "25 sites"; and

(3) in subsection (d), by striking "2008" and inserting "2009".

AMENDMENT NO. 1058

(Purpose: To provide a substitute for title V) (The amendment is printed in today's RECORD, under "Text of Amendments.")

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2361 amendment No. 1059.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1059.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To facilitate family travel to Cuba in humanitarian circumstances)

SEC.—. FAMILY TRAVEL TO CUBA IN HUMANITARIAN CIRCUMSTANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person's immediate family) for the purpose of visiting a member of the person's immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON'S IMMEDIATE FAMILY.—The term "member of the person's immediate family" means—

(A) the person's spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term "humanitarian reasons" means—

(A) to visit or care for a member of the person's immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person's immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person's immediate family.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1060

Mr. DORGAN. I offer an amendment on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Ms. LANDRIEU, proposes an amendment numbered 1060.

Mr. DORGAN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 147, line 25 strike \$72,500,000 and insert \$67,000,000.

Page 148, line 1 after 2007, insert "of which \$3,500,000 is for Historically Black Colleges and Universities.

Page 172 line 4 strike \$10,000,000 and insert \$13,500,000.

Mr. DORGAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1061 AND 1062, EN BLOC

Mr. DORGAN. I send to the desk two amendments I offer on behalf of Senator OBAMA and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. OBAMA, proposes amendments numbered 1061 and 1062, en bloc.

Mr. DORGAN. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1061

At the appropriate place insert:

SEC. _____. None of the funds made available in this Act may be used in contravention of 15 U.S.C. § 2682(c)(3) or to delay the implementation of that section.

AMENDMENT NO. 1062

At the appropriate place insert:

Provided, That of the funds made available under the heading "Environmental Programs and Management," not less than \$100,000 shall be made available to issue the proposed rule required under 15 U.S.C. § 2682(c)(3) by November 1, 2005, and promulgate the final rule

required under 15 U.S.C. 2682(c)(3) by September 30, 2006.

AMENDMENTS NOS. 1033, 1024, 1028, 1035, 1041, EN BLOC

Mr. BURNS. Mr. President, we have some amendments we can accept. I ask unanimous consent that the amendment offered by Mr. ENSIGN, 1033; Mrs. FEINSTEIN, 1024; the majority leader, Mr. FRIST, 1028; Mr. WYDEN, 1035; and Mr. CRAIG's amendment numbered 1041 be called up, and I ask unanimous consent they be agreed to en bloc.

Mr. DORGAN. The amendments have been cleared on both sides. I support their approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1033

(Purpose: To prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada)

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

AMENDMENT NO. 1024

(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California)

On page 254, after line 25, add the following:

SEC. 4 _____. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.”.

AMENDMENT NO. 1028

(Purpose: To reinstate a provision relating to National Parks with deed restrictions)

On page 254, after line 25, add the following:

SEC. 4 _____. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

AMENDMENT NO. 1035

(Purpose: To extend the authority for watershed restoration and enhancement agreements)

On page 254, after line 25, add the following:

SEC. 4 _____. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking “fiscal year 1999” and all that follows through “2005” and inserting “for each of fiscal years 2006 through 2015”.

AMENDMENT NO. 1041

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: “Provided further, That, subject to

valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.”.

Mr. GREGG. Mr. President, the pending Department of Interior and Related Agencies Appropriations Bill fiscal year 2006, H.R. 2361, as reported by the Senate Committee on Appropriations provides \$26.261 billion in budget authority and \$27.421 billion in outlays in fiscal year 2006 for the Department of Interior and related agencies. Of these totals, \$54 million in budget authority and \$60 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$26.207 billion. This amount is \$532 million more than the President's request, equal to the 302(b) allocations adopted by the Senate, \$100 million more than the House-passed bill, and \$553 million less than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

HR 2361, 2006 INTERIOR APPROPRIATIONS

SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	26,207	54	26,261
Outlays	27,361	60	27,421
Senate 302(b) allocation:			
Budget authority	26,207	[54]*	26,261
Outlays	27,373	[60]*	27,433
2005 Enacted:			
Budget authority	26,760	54	26,814
Outlays	26,788	55	26,843
President's request:			
Budget authority	26,675	54	25,729
Outlays	27,414	60	27,474
House-passed bill:			
Budget authority	26,107	54	26,161
Outlays	27,489	60	27,549
Senate-Reported Bill Compared to:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	-12	0	-12
2005 Enacted:			
Budget authority	-553	0	-553
Outlays	573	5	578
President's request:			
Budget authority	532	0	532
Outlays	-53	0	-53
House-passed bill:			
Budget authority	100	0	100
Outlays	-128	0	-128

* Initial 302(b) allocation report for 2006 omitted subcommittee allocations for mandatory spending. These baseline spending levels for appropriated mandatory accounts reflect anticipated mandatory suballocations in next report. NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

TRIBUTE TO U.S. ARMY STAFF SERGEANT
HAROLD "GEORGE" BENNETT

Mrs. LINCOLN. Mr. President, I rise today to honor the memory of U.S. Army SSG Harold "George" Bennett. In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, almost 40 years to the day, on or about June 26, 1965, he became the first American prisoner of war executed by the Viet Cong.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values and rewards of service to country. All 4 would follow his footsteps into the U.S. Army.

SGT George Bennett was trained in the Army as an airborne infantryman and served with the famed 82nd and 101st Airborne Divisions, made up of some of the finest soldiers in the world. He earned his Master Parachute Wings and Expert Infantry Badge before volunteering in 1964 for service in what was a relatively unknown area of southeast Asia called Vietnam. While deployed, Sergeant Bennett served as an infantry advisor to the 33rd Ranger Battalion, one of South Vietnam's best trained and toughest units. On December 29, 1964, they were airlifted to the village of Binh Gia after it had been overrun by a division of Viet Cong. Immediately upon landing, Sergeant Bennett's unit was confronted by a well-dug-in regiment of enemy forces and despite fighting furiously and courageously throughout the afternoon, their unit was decimated and overrun. Sergeant Bennett and his radio operator, PFC Charles Crafts, fell into the hands of the Viet Cong.

Before being captured, Sergeant Bennett twice called off American heli-

copter pilots who were attempting to navigate through the combat zone to rescue him and his radioman. Displaying a remarkably calm demeanor, his focus seemed to be on their safety and not his own. His last words to his would-be rescuers were, "Well, they are here now. My little people," his term for the South Vietnamese soldiers under his command, "are laying down their weapons and they want me to turn off my radio. Thanks a lot for your help and God Bless you."

As a prisoner of war, the only thing more remarkable than the courageous resistance he displayed throughout his captivity was his steadfast devotion to duty, honor, and country. His faith in God and the trust of his fellow prisoners was unshakable. Sadly, the only way his captors could break his spirit of resistance was to execute him and today Sergeant Bennett lies in an unmarked grave known only to God, somewhere in the jungles of Vietnam.

Recent efforts by a group of Vietnam veterans will ensure that Sergeant Bennett's valiant service will not be forgotten. Over the years, they have worked tirelessly on behalf of the Bennett family to secure the valor awards that should have been presented to Sergeant Bennett's mother, Pauline, in 1965. I am proud of all they have accomplished and have pledged my support to this effort. Most recently, their work helped lead to Sergeant Bennett's posthumous induction into the U.S. Army Ranger Hall of Fame at Fort Benning, GA, on July 8, 2004. Sergeant Bennett's brother Dicky, and his sisters, Eloise Wallace, Laura Sue Vaught, and Peggy Williams were in attendance. I hope this long overdue moment of recognition provided some sense of solace for his family. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our hearts.

The 40th anniversary of Sergeant Bennett's execution offers us an opportunity, not to remember the events of his death, but to reflect upon the life he led and the kind of person he was. He was a selfless young man who answered his Nation's call to service and placed duty and honor above all else. While a grateful nation could never adequately express their debt to men such as George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

I would also like to ask for unanimous consent to include in the record the citation from Sergeant Bennett's posthumous induction into the Ranger Hall of Fame and an article titled "Bad Day at Binh Gia," by retired Army COL Douglas E. Moore, that provides us additional insight into the heroic service of SGT George Bennett.

BAD DAY AT BINH GIA
(By Col. Douglas E. Moore)

When friends or family visit for the first time, we usually take them to Washington to see the Vietnam Veterans Memorial. Al-

though I have been there many times, I am still impressed with the large crowds. Most are tourists with cameras at the ready; others appear to be more somber, perhaps because they served in Vietnam themselves or lost friends or family in the war. It troubles me to see fellow veterans there wearing all sorts of military attire from that era. Many of them have pain written across their faces, which makes me wonder what terrible burdens they carry after all these years.

For me, Vietnam is now a collection of mostly good memories. As a young medevac helicopter pilot, I had the opportunity to sharpen my flying skills to a level that was never matched again. I was blessed to be able to work with some of the finest people I have ever known, and my job was satisfying. During my tours in Vietnam and Japan, I evacuated more than 11,000 casualties in one of the best flying machines ever built, the Huey helicopter. It is gratifying to know that some patients lived because we were able to help.

The bad memories have mostly faded with time. In fact, there is only one event that I still think about, and it occurred more than 34 years ago. In late December 1964, we were rushing to join the crews of two helicopter gunships in an attempt to save an American advisor. Unfortunately, we failed.

Vietnam in 1964 was as different as night and day from the later years. Back then, it was still a Vietnamese war, and there were only about 20,000 Americans assigned to the various headquarters, advisory teams and a handful of aviation units scattered around the countryside.

Ours was strictly an advisory and support role and not one of direct combat. In fact, some of the senior officers still had their families in Saigon, and many Americans lived in hotels and other civilian buildings. The old-timers may recall a memo published by one headquarters stating its concern that some living areas were taking on the appearance of armed camps.

We operated on a shoestring. We did not have U.S. Air Force aircraft or U.S. Army artillery to prestrike the landing zones in support of our operations. The only firepower available was a few lightly armed helicopter gunships flown by a group of extraordinarily brave pilots. Needless to say, we left several of the landing zones littered with downed helicopters.

The communication systems were terrible. Since most medevac requests came by telephone and passed through several Vietnamese headquarters before reaching us, delays were common. On occasion, we would rush to a tiny village located a hundred miles away only to discover the casualties had been picked up a day or so earlier by a resupply aircraft making its weekly rounds.

All new pilots found it disconcerting that they could easily lose radio contact with other Americans during the longer flights. Weather permitting, the only alternative was to gain enough altitude to talk to our old standbys, Paris Control and Paddy Control, operated by the Air Force out of Saigon and Can Tho, respectively. Otherwise, we were completely on our own at times.

The character of the war was different, too. While there were a few major battles between the Viet Cong and South Vietnamese, most of the contact was on a small scale and ended quickly. It does not seem possible now, but the number of Americans killed in the war had not reached 200 until July 1964.

In late October, I was flying past Bien Hoa Air Base when several B-57 Canberra bombers suddenly broke through the clouds ahead of me. Several days later, I learned they had come from Clark Air Force Base in the Philippines to attack Viet Cong strongholds in the jungles north of Saigon.

The crews of the newly arrived Canberras had barely settled in when the Viet Cong struck. I was dozing in our alert shack at Tan Son Nhut Air Base when the radio operator began yelling, "Bien Hoa's been hit!" As we ran to our helicopter for the short flight to Bien Hoa, we could see flashes of rockets and mortars on the horizon.

Burning aircraft and ammunition were exploding everywhere as we landed to evacuate the wounded. To our horror, we watched a Vietnamese A-IE Skyraider crash as the pilot tried to take off during the melee. The plane's huge engine and other burning parts rolled to a stop a few yards behind us. Four Americans were killed, several others were wounded, and 13 U.S. aircraft were destroyed that night in one of the first major attacks that seemed to be specifically targeted against the Americans.

Not long afterwards Bob Hope arrived for his first Christmas tour. While his group was traveling from the airport to downtown Saigon, two Viet Cong saboteurs drove an explosive-laden truck into the parking lot of the Brinks Hotel. Two Americans died in the blast and more than 50 were wounded. I missed Bob's show the next day because I was flying, but I understand that he quipped, "A funny thing happened on the way in last night—a hotel passed us!"

As 1964 was ending, the North Vietnamese apparently concluded that they could not win the war with the hit-and-run tactics they had been using. Instead, a major shift in their strategy occurred when they sent two veteran Viet Cong regiments to an assembly area about 50 miles southeast of Saigon. Coastal freighters brought new rifles, mortars and rocket-propelled grenade launchers. In the jungles of Phuoc Tuy province, the dreaded 9th Viet Cong Division was born, and Binh Gia was chosen to be its first test by fire.

Binh Gia was a peaceful village surrounded by jungle and populated mostly by Catholics who had fled to the South following an earlier partition of their country. In late December, one regiment of the 9th Division attacked the village and quickly overran its lightly armed defenders. Another regiment slipped into ambush positions around a nearby clearing. They knew the American helicopters would be coming soon, loaded with Vietnamese soldiers and their American advisors.

The casualty toll mounted quickly. About midafternoon, I took a load of wounded Vietnamese to Cong Hoa General Military Hospital in Saigon and was diverted from there to pick up an American who had been hit in an ambush about 40 miles to the west, near the Cambodian border. Because there was no tactical operations center or any of the ubiquitous command and control helicopters hovering over the battlefield, as was the case in later years, we had to refuel at Saigon and return to Binh Gia to see if we were still needed.

About 25 miles away from Binh Gia I began trying to contact other aircraft in the area. I switched through several frequencies that we had used earlier in the day before hearing a gunship pilot talking with an American advisor on the ground. It quickly became evident that the advisor was in trouble because the gunship pilot kept telling him he could not identify the disposition of his troops and was concerned about firing on "friendlies."

The advisor said he was sorry but that he had used up all of his smoke grenades and had nothing to mark his positions. At that point, the advisor began identifying objects on the ground in an attempt to guide the gunships. Finally, I heard him say something to the effect of, "Listen, I'm standing on a small mound near a large clump of bushes and waving a white handkerchief. You have

clearance to fire anywhere more than a hundred meters from my position."

Shortly thereafter, the gunship pilot reported that he and his wingman had fired all of their rockets and had little machine-gun ammunition remaining. At this point, the gunship pilot told the advisor to begin moving toward the Southwest because he planned to land and pick him up. The advisor's response was quick. "Don't try it! They're all around me down here, and all you'll do is get shot down."

The gunship pilot encouraged him to move, but the advisor was adamant that it was too dangerous for any rescue attempt. After hearing this, I called the gunship pilot and told him we were about 10 or 12 miles out and would pick up the advisor if he could guide us into the area. The advisor answered first: "Negative; Dustoff. You can't make it, so don't even try it!"

I thought we had a chance because I remain convinced to this day that some of the earlier Viet Cong commanders would not have allowed their troops to fire at our medevac helicopters—whether out of respect for the red crosses or because they knew we went to the aid of anyone who needed help. I do not know. Many of the civilian casualties and pregnant women whom we had evacuated from the villages had husbands or relatives serving in the Viet Cong. As a result, I honestly believe they took it easy on us during the early part of the war. When U.S. combat units were introduced the following spring, we became fair game like everyone else.

In any case, my crew and I planned to approach at treetop level and touch down just long enough to haul the advisor aboard. We had already begun descending when we heard him say, "Well, they are here now. My little people [slang for South Vietnamese soldiers] are laying their weapons down, and they want me to turn off my radio. Thanks a lot for your help, and God bless you."

With those words, he was gone. The gunship pilot reported movement around the advisor's position, so we pulled up and began orbiting the area. The gunship pilot then told me that he and his wingman had to depart to refuel and rearm. I called an approaching Army L-19 spotter plane to ask if more gunships were on the way. The Bird Dog pilot said no.

The late afternoon sun began casting long shadows across the jungle clearing below us, and it looked so peaceful from our vantage point. At the same time, it was heart-breaking to know that an American soldier had been captured and we were helpless to do anything except orbit outside of small-arms range.

Several minutes passed before our radio crackled to life again, "Have no fear, blue-eyed VNAF is here!" The call came from a flight of Vietnamese air force A1-E Skyraiders, piloted by U.S. Air Force advisors. They were rushing to help but were simply too late.

I left Vietnam the following summer and spent two years in Japan before I returned to Vietnam. While in Japan, I was in another medevac unit whose mission was to ferry casualties from the air bases at Yokota and Tachikawa to several Army, Navy and Air Force hospitals scattered around Tokyo. After the more seriously wounded were sufficiently stabilized, we returned them to the airheads for the long flight home.

One afternoon, I was reading a copy of *The Stars and Stripes* while waiting for an inbound flight at Yokota. My attention was drawn to an announcement by the North Vietnamese government that an American POW had been shot in retaliation for the slaying of a Viet Cong terrorist by South Vietnamese forces. The article identified the

POW as Army Sgt. Harold G. Bennett, who had been captured at Binh Gia.

It suddenly dawned on me that I had never learned the name of the soldier we were trying to save that afternoon, and I began wondering whether it was Sgt. Bennett.

I am still troubled because our rescue attempt was unsuccessful and I never learned the name of the soldier we were trying to save. I have often wondered whether it would have made a difference if the gunships had had more ammunition or if we had arrived a few minutes earlier. After many years of curiosity, I began trying to reconstruct the events of that fateful day.

First, I contacted the Pentagon's MIA/POW office and was referred to the Library of Congress. After obtaining several microfiche from the library, I discovered that three Americans had been captured at Binh Gia. Two of them were Army enlisted men and the third was a U.S. Marine Corps captain. While I cannot be certain, it appears the person whom we were trying to save was Sgt. Bennett.

The data I have gathered contains little information about Sgt. Bennett's actual capture, but there are several stirring accounts about his later actions as told by other POWs who were held with him in various camps. Their reports indicate that Sgt. Bennett stubbornly resisted his captors at every opportunity and that he participated in frequent hunger strikes. These disruptions may have led to his being shot.

Like most of my compatriots, I have witnessed many heroic acts over the years, but the person we were trying to save that day ranks with the most courageous. I cannot imagine what his thoughts were when things began to collapse around him, and there is no way to fathom the despair he must have felt while he was being led from the battlefield with American helicopters circling a few hundred feet overhead.

I am still amazed that he could remain so calm during his radio transmissions. To the end, his focus seemed to be on our safety and not his. The willingness to sacrifice himself instead of risking others was a remarkable demonstration of valor. If I ever have to face a life-or-death situation again, I hope I can find some of his courage.

STAFF SERGEANT HAROLD G. BENNETT

Staff Sergeant Harold G. Bennett is inducted into the Ranger Hall of Fame for extraordinary courage against numerically superior forces on the battlefields of South Vietnam, and for his conspicuous gallantry while held in captivity by the Viet-Cong. While serving as a Ranger Advisor to the 33rd Vietnamese Ranger Battalion, SSG Bennett volunteered, on Christmas Day, to lead a seven man Ranger combat team on a helicopter (named the "Suicide Chopper") into a one-ship landing zone near the Cambodian border in an effort to free three Americans held captive by communist forces. Ranger Bennett and his snatch team landed and quickly worked their way through the camp. The VC had moved the prisoners prior to their arrival.

While this mission to liberate the captured Americans was not accomplished, in no way did it detract from the heroic efforts of SSG Bennett to free them. Four days later, on December 29th, 1964, SSG Bennett, with his American RTO, accompanied the 2nd Company of the 33rd Ranger Battalion on the first airlift into Operational Area of the Legendary "Battle of Binh Gia." As the rangers were being overrun by elements of the Viet Cong 9th Division, SSG Bennett remained on the radio refusing any attempt to evacuate him and his RTO from the overwhelming enemy forces and their firepower. After SSG Bennett's capture at Binh Gia, he was labeled a troublemaker by his captors because

of his constant aggressiveness in the brutal conditions of the jungle POW camps. He verbally berated his guards, daring them to confront him man-to-man. On one of his three unsuccessful escape attempts, a Viet Cong soldier almost bit off SSG Bennett's finger as he punched the guard. Driven by dedication to duty, personal honor, and his religious faith, the enemy could not break him. In June of 1965, the Communist National Liberation Front announced that they had executed SSG Harold G. Bennett, reportedly in reprisal for actions of the South Vietnamese government; he was the "first" American soldier to be executed in Vietnam. Ranger Bennett's exemplary boldness, complete disregard for his own safety, and his deep concern for his fellow fighting men at the risk of his own life, reflects the highest traditions of the United States Army; his actions are the embodiment of the Ranger Spirit.

ADDITIONAL STATEMENTS

RECOGNIZING THE 50TH ANNIVERSARY OF TEMPLE BENJAMIN

• Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to the past and present leaders and congregation of Temple Benjamin as they celebrate 50 years of service, learning, and faith on June 25, 2005. This milestone provides the perfect opportunity to reflect on the rich history of this institution and to remember the many individuals who played an integral part in its success.

In 1955 Rabbi Joseph Kratzenstein, who escaped Nazi persecution and ultimately settled in Bay City, inspired the original idea for Temple Benjamin through his efforts to educate children in the Mount Pleasant community. Upon arriving in Michigan, Rabbi Kratzenstein frequently visited the Mount Pleasant area, drawing attention to the need for religious education for local children. The rabbi's call was answered by Harry Goldberg, Leo Simon, Ben Traines, and Dr. Phil Silvert, who raised the necessary seed money to establish the temple we enjoy today.

Within 2 months of laying the first stone, the temple was completed and families began to use the services it provided. Temple Benjamin is one of the first Jewish community and religious centers to be established in the Central Michigan area and began with 10 families, some of whom would travel more than 50 miles for services. Today, the temple serves more than 50 families and has continued to grow and embrace the surrounding community.

The founding mission of education, originally developed by Gene Traines, has remained a bedrock tenet of Temple Benjamin through the years. Many notable community leaders, including Rose Traines, Mildred Goldberg, and Helen Klein, have helped to shape Temple Benjamin's instructional elements and to promote community outreach.

In addition to its work with children in Michigan, Temple Benjamin has contributed to the overall welfare and safety of our Nation through the dedi-

cated service of many in the congregation. There are many in the congregation who served in our Armed Forces, including Robert Klein, Charles Muskowitz, Arnie Bransdorfer, Joe Simon, and Carvel Wolfson, who served with distinction during WWII.

Through the years, those associated with Temple Benjamin have embodied the values of community spirit, faith, and leadership. I know my Senate colleagues join me in congratulating the members of Temple Benjamin for their service to the community and in wishing them many more years of success in the future.●

SAMUEL NASSIE, 2005 EAGLE SCOUT OF THE YEAR

• Mrs. BOXER. Mr. President, I rise to share with my colleagues the outstanding accomplishment of one of my constituents, Samuel Nassie of Paradise, CA. I am so proud to announce that in May 2005, Samuel was named the American Legion's national "2005 Eagle Scout of the Year."

The title of Eagle Scout represents the highest rank a Boy Scout can achieve. It takes years of hard work, dedication, leadership and community service to earn this honor that only 4 percent of all Boy Scouts achieve. Therefore, to be selected as the American Legion's Eagle Scout of the Year from hundreds of other highly qualified Eagle Scouts across the Nation is an extraordinary achievement and I am very proud of Samuel for his accomplishments that led to this meritorious honor.

Samuel's list of awards and accomplishments are too numerous to list today, but I would like to share with you some of his work that proves Samuel's dedication to his community is second to none. He was the first Boy Scout in Northern California to receive the William T. Hornaday Award, the oldest conservation award in the history of this country, with only 1,000 recipients in its 94-year history. Because of his service to the community, Samuel earned the Medal of Merit Award and the Congressional Youth Award in Bronze, Silver, and Gold. At the age of 13, Samuel achieved the rank of Eagle Scout. He was chosen as Eagle Scout of the Year for both California and the United States by the Sons of the American Revolution. The Veterans of Foreign Wars also chose him as Eagle Scout of the Year for California and awarded him second place in the United States. He is a member of the Boy Scout Honor Society, and a life member of the National Eagle Scout Association. Samuel remains active in the Boy Scouts of America by teaching at Boy Scout camps and serving as a Junior Scoutmaster for his local Boy Scout troop.

I would like to highlight two of Samuel's community projects that are particularly noteworthy. In his first community service project, "Veterans Honor," Samuel created a program to

locate, identify, plot and record the location of every veteran at his local cemetery. Another community service project, "Buckets Full of Batteries," created an environmental program to recycle household batteries. Four years ago, he implemented this program in two school districts and over 20 businesses in Paradise, and is now working with 4 other cities to expand his program.

Samuel maintains a 4.0 GPA, and plans to attend college and study American History Education and Business. Samuel has selflessly given years of his time and energy to the community.

Samuel Nassie brings a great deal of pride to California. He has accomplished more in his 17 years than most of us will in our entire lives. His community, State, and country are fortunate to have a citizen of his caliber. I have no doubt that his future will be a bright and fulfilling one.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3010. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3010. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2737. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting,

pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crystal Falls, Michigan; Laona, Wisconsin; Blythe, California; Celoron, New York; and Wells, Texas)" (MB Docket Nos. 04-370, 04-371, 04-388, 04-390, and 04-391) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2738. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ammon and Dubois, Idaho)" (MB Docket No. 04-427) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2739. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Maxwell, and Broken Bow, Nebraska)" (MB Docket No. 04-203) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2740. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jackson and Charlotte, Michigan)" (MB Docket No. 05-35) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2741. A communication from the Acting General Counsel, Department of Commerce, transmitting, the report of a draft bill entitled "Marine Mammal Protection Act Amendments of 2005" received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (37); Amdt. No. 3123" ((RIN2120-AA65)(2005-0018)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of VOR Federal Airway V-623" ((RIN2120-AA66)(2005-0129)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Routes; FL" ((RIN2120-AA66)(2005-0131)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; CORRECTION" ((RIN2120-AH19)(2005-0002)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Prohibited Area 51; Bangor, WA" ((RIN2120-AA66)(2005-0116)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; and Modification of Class E Airspace; Chillicothe, MO" ((RIN2120-AA66)(2005-0117)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Harrisburg, PA; CORRECTION" ((RIN2120-AA66)(2005-0126)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Newburgh, NY" ((RIN2120-AA66)(2005-0127)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Newburgh, NY" ((RIN2120-AA66)(2005-0128)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Brunswick, ME" ((RIN2120-AA66)(2005-0118)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Brunswick, ME" ((RIN2120-AA66)(2005-0120)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Nome, AK; CORRECTION" ((RIN2120-AA66)(2005-0125)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Harper, KS" ((RIN2120-AA66)(2005-0130)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120-AA64)(2005-0267)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Model 750 Airplanes" ((RIN2120-AA64)(2005-0266)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model BAe 146 Airplanes" ((RIN2120-AA64)(2005-0281)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2758. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727-200 Series Airplanes Equipped with a No. 3 Cargo Door" ((RIN2120-AA64)(2005-0280)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2759. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 301, 311, and 315 Airplanes" ((RIN2120-AA64)(2005-0279)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2760. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GROB-WERKE Model G120A Airplanes" ((RIN2120-AA64)(2005-0278)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2761. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Extra Flugzeugproduktions- und Vertriebs-GmbH Models EA 300, EA 300S, EA-300L, and EA 300/200 Airplanes" ((RIN2120-AA64)(2005-0277)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2762. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Precise Flight, Inc. Models SVS I and SVS IA Stand-by Vacuum Systems" ((RIN2120-AA64)(2005-0276)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2763. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes" ((RIN2120-AA64)(2005-0275)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2764. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Agusta S.p.A. Model A190E Helicopters" ((RIN2120-AA64)(2005-0274)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2765. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Mystere-Falcon 50 and 900 Series Airplanes, and Model Falcon 2000 and 900EX Series Airplanes" ((RIN2120-AA64)(2005-0273)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2766. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus

Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes" ((RIN2120-AA64)(2005-0272)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2767. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 400, 401, and 402 Series Airplanes" ((RIN2120-AA64)(2005-0271)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2768. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 15F Airplanes Modified in Accordance with Supplemental Type Certificate SA1993SO; and Model DC 9 10, -20, -30, -40, and -50 Series Airplanes in All-Cargo Configuration, Equipped with a Main Deck Cargo Door" ((RIN2120-AA64)(2005-0268)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2769. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120-AA64)(2005-0270)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2770. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56-5, -5B, and -5C Series Turbofan Engines" ((RIN2120-AA64)(2005-0269)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2771. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Miscellaneous Amendments" (RIN2137-AD87) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2772. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137-AD92) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2773. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of VOR Federal Airway V-623" ((RIN2120-AA66)(2005-0115)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2774. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; McGregor, MN" ((RIN2120-AA66)(2005-0124)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2775. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Monett, MO, Correction" ((RIN2120-

AA66)(2005-0123)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2776. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Boonville, MO; CONFIRMATION OF EFFECTIVE DATE" ((RIN2120-AA66)(2005-0122)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2777. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Washington, KS; CONFIRMATION OF EFFECTIVE DATE" ((RIN2120-AA66)(2005-0121)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2778. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: AeroSpace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes" ((RIN2120-AA64)(2005-0265)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2779. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Flugzeugbau GmbH Model DG-500MB Sailplanes and Glaser-Dirks Flugzeugbau GmbH Model DG-800B Sailplanes" ((RIN2120-AA64)(2005-0264)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2780. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200C and 747-200F Series Airplanes" ((RIN2120-AA64)(2005-0263)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2781. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca S.A. Arrius 1A Turboshift Engines" ((RIN2120-AA64)(2005-0262)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2782. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(2005-0261)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2783. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes" ((RIN2120-AA64)(2005-0260)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2784. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes Modified by Supplemental Type Certificate (STC) SA4900SW" ((RIN2120-AA64)(2005-0259)) re-

ceived on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2785. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; CORRECTION" ((RIN2120-AA64)(2005-0258)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2786. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations: Annual Offshore Super Series Boat Race, Fort Myers Beach, FL" (RIN1625-AA08) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2787. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations): [CGD11-05-013], [CGD11-05-009]" (RIN1625-AA08) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2788. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation: Tchoutacabouffa River, Cedar Lake, MS" (RIN1625-AA09) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2789. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 3 regulations): [CGD09-05-019], [CGD01-05-036], [CGD01-05-052]" (RIN1625-AA00) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2790. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Macy's July 4th Fireworks, East River and Upper New York Bay, NY" (RIN1625-AA00) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2791. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Duluth Harbor, Duluth, Minnesota" (RIN1625-AA87) received on June 22, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1017. A bill to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984 (Rept. No. 109-90).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 655. A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention (Rept. No. 109-91).

By Mr. BENNETT, from the Committee on Appropriations, with an amendment in the nature of a substitute:

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,"

and that under the Fifth Amendment, the power of eminent domain may be used only "for public use."

Yet the Court nevertheless held, by a 5-4 vote, that government may seize the home, small business, or other private property of one owner, and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development.

This is an alarming decision. As the Houston Chronicle editorialized this past weekend:

It seems a bizarre anomaly. The government in China or Russia might take private property to hand over to wealthy developers to build shopping malls and office plazas, but it wouldn't happen in the United States. Yet, that is the practice the U.S. Supreme Court narrowly approved this week. Local governments, the court ruled, may seize private homes and businesses so that other private entities can develop the land into enterprises that generate higher taxes.

I ask unanimous consent that a copy of this editorial be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. CORNYN. The Court's decision in Kelo is alarming because, as Justice O'Connor accurately noted in her dissenting opinion, joined by the Chief Justice and Justices Scalia and Thomas, the Court has:

effectively . . . delete[d] the words "for public use" from the Takings Clause of the Fifth Amendment and thereby "refus[ed] to enforce properly the Federal Constitution."

Under the Court's decision in Kelo, Justice O'Connor warns,

[t]he specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.

She further warns that, under Kelo,

[a]ny property may now be taken for the benefit of another private party, [and] the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.

Indeed, as an amicus brief filed by the National Association for the Advancement of Colored People, AARP, and other organizations noted:

[a]bsent a true public use requirement, the takings power will be employed more frequently. The takings that result will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.

In a way, the Kelo decision at least vindicates supporters of the nomination of Justice Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit. That nomination attracted substantial controversy in some quarters, because of Justice Brown's personal passion for the protection of private property rights. The Kelo decision announced last Thursday demonstrates that her concerns about excessive gov-

ernment interference with property rights is well-founded and well within the mainstream of American jurisprudence.

The Houston Chronicle has called upon lawmakers to take action, editorializing this past weekend that:

lawmakers would do well to pass restrictions on this distasteful form of eminent domain.

I firmly agree.

It is appropriate for Congress to take action, consistent with its limited powers under the Constitution, to restore the vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property rights against unreasonable government use of the power of eminent domain.

That is why I am introducing today the Protection of Homes, Small Businesses, and Private Property Act of 2005. The legislation would declare Congress's view that the power of eminent domain should be exercised only "for public use," as guaranteed by the Fifth Amendment, and that this power to seize homes, small businesses, and other private property should be reserved only for true public uses. Most importantly, the power of eminent domain should not be used simply to further private economic development. The act would apply this standard to two areas of government action which are clearly within Congress's authority to regulate: (1) All exercises of eminent domain power by the Federal Government, and (2) all exercises of eminent domain power by State and local government through the use of Federal funds.

It would likewise be appropriate for states to take action to voluntarily limit their own power of eminent domain. As the Court in Kelo noted, "nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power."

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. The Kelo decision was a disappointment, but I congratulate the attorneys at the Institute for Justice for their exceptional legal work and for their devotion to liberty. We must not give up, and I know that the talented lawyers at the Institute for Justice have no intention of giving up. In the aftermath of Kelo, we must take all necessary action to restore and strengthen the protections of the Fifth Amendment. I ask my colleagues to lend their support to this effort, by supporting the Protection of Homes, Small Businesses, and Private Property Act of 2005.

EXHIBIT 1

STEALING HOME

It seems a bizarre anomaly. The government in China or Russia might take private property to hand over to wealthy developers to build shopping malls and office plazas, but it wouldn't happen in the United States. Yet, that is the practice the U.S. Supreme Court narrowly approved this week. Local governments, the court ruled, may seize private

homes and businesses so that other private entities can develop the land into enterprises that generate higher taxes.

The Supreme Court found, 5-4, that local elected officials are not barred by the Constitution from condemning whole neighborhoods and small businesses if, in their view, doing so would lead to redevelopment that increases tax collections.

A majority on the court was convinced that the possibility of improving the tax base for the benefit of the wider community satisfies the Fifth Amendment's requirement that private property can be taken by eminent domain only for a public purpose.

Justice Sandra Day O'Connor, who dissented, pinpointed the problem with the majority's argument. It cedes "disproportionate influence and power" to a community's most powerful and well-connected residents.

Public parks, schools and right of way for thoroughfares traditionally have provided the sort of public purpose to justify government's use of eminent domain. Grand redevelopment schemes, especially when they are cooked up by government officials, often lack a sound economic basis and carry the potential of becoming boondoggles that hurt taxpayers.

Justice John Paul Stevens wrote for the majority that local officials are qualified judges of whether an economic development project will benefit the community. In this case, city officials in New London, Conn., plan to tear down private homes to make way for a riverfront hotel, offices and a fitness club.

"The city has carefully formulated an economic development that it believes will provide appreciable benefits to the community, including—but by no means limited to—new jobs and increased tax revenue," Stevens wrote.

But is that universally true? Municipal and county governing bodies frequently miscalculate or wildly overestimate the benefits of tax abatements and other incentives.

Besides that, individual taxpayers don't necessarily benefit from increased government revenues.

Sometimes the increased revenue proves insufficient to cover the cost of providing services to new development. Sometimes increased revenues are wasted on things other than essential services.

Now that the high court has cleared the way for elected officeholders to trump private property rights, abuse of eminent domain becomes more likely, particularly in neighborhoods populated by the least influential citizens. In Texas, lawmakers would do well to pass restrictions on this distasteful form of eminent domain.

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.

Mr. LUGAR. Mr. President, I rise today to introduce a bill that calls on the administration to assess the progress of poverty reduction efforts around the world since September 2000, when the Millennium Declaration was unanimously adopted by more than 180 nations, including the United States. Each of these nations signed an agreement to work toward defined objectives, called the Millennium Development Goals, which include the commitments to: build a global partnership for

development; eradicate extreme poverty by halving the number of people living on less than one dollar a day and the number who suffer hunger; achieve universal primary education for boys and girls alike; reduce by two-thirds the under-5 child mortality rate; halt and reverse the spread of AIDS, malaria and other major disease; promote gender equality, reduce maternal mortality by two-thirds; and ensure environmental sustainability.

This bill also highlights the important research and recommendations of the Report of the Commission for Africa that was commissioned by Prime Minister Tony Blair in preparation for the July 2005 G8 Summit in Scotland. The report, entitled "Our Common Interest," is an excellent study of past development efforts and current opportunities to respond to the challenges of extreme poverty in Africa.

Three important international forums will occur this year that will help define the world's response to extreme poverty; the group of Eight highly industrialized countries will meet in July at Gleneagles, Scotland and will address the challenges and opportunities of the African continent; The United Nations Summit to review progress on the Millennium Development Goals will occur in September. It will provide an opportunity to measure global coherence and commitment to specific objectives in eradicating extreme poverty by 2015; and the Sixth Ministerial Conference of the World Trade Organization will meet in Hong Kong in December. Progress toward a genuinely equitable trade round in Hong Kong could provide a significant boost to global international development.

This bill asks that the Secretary of State produce a report on the commitments made by the United States and the international community to achieve the Millennium Development Goals, including the decisions made in regard to these goals in the three upcoming summits. It asks that the report assess the prospects of achieving these goals by 2015 and to review policies that maintain continued United States leadership in reducing poverty worldwide. The report would be due 60 days after the completion of the WTO summit December 13-18, 2005.

The purpose of this report is to encourage a discussion of the goals themselves and the practical challenges with which each of these goals must contend. This discussion should take place within and among donor and developing governments, on a continuing basis. The upcoming summits are an important opportunity to continue that discussion as well as to make concrete efforts, and if necessary adjustments, to achieving such goals.

Since the Millennium Summit in 2000, the United States has taken steps to invest in development in a more comprehensive manner. President Bush made an historic commitment to address the threat and impact of HIV-AIDS on the countries most affected by

this pandemic. The United States also established a bold new development initiative that closely parallels important elements of the MDGs and the recommendations of the Commission for Africa report. The Millennium Challenge Corporation has begun to deliver billions in assistance to developing nations that are committed to investing in their own people, to ruling justly, and to encouraging economic freedom. In addition, the United States removed barriers to trade with eligible African countries through the successful Africa Growth and Opportunity Act.

There are many other significant efforts by the United States to address the challenges to poor countries face, from technical assistance to bilateral and multi-lateral debt relief, from peacekeeper training and equipping to capacity building and emergency assistance. Whether bilaterally or through multilateral institutions, the international community should capitalize on a coordinated strategy that reinforces the prospect of a more peaceful and stable world.

The commitment of the United States to the moral and humanitarian goal of reducing the inequities seen across the developing world is a key factor in achieving greater security at home and abroad. Since September 11, 2001, our nation has been engaged in a debate over how to apply national power and resources most effectively to realize the maximum degree of security. Throughout this process, I have been making the point that we are not placing sufficient weight on the diplomatic and economic tools of national power.

Even as we seek to capture key terrorists and destroy terrorist units, we must be working to perfect a longer term strategy that reshapes the world in ways that are not conducive to terrorist recruitment and influence. To win the war against terrorism, the United States must assign U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities. There are no shortcuts to victory. We must commit ourselves to the painstaking work of foreign policy day by day and year by year. As we undertake this mission, we must be persistent in our advocacy among our fellow nations to encourage a global partnership and commitment to eradicating poverty.

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. 1315

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Cooperation to Meet the Millennium Development Goals Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At the United Nations Millennium Summit in 2000, the United States joined more than 180 other countries in committing to work toward goals to improve life for the world's poorest people by 2015.

(2) Such goals include reducing the proportion of people living on less than \$1 per day by ½, reducing child mortality by ⅓, and assuring basic education for all children, while sustaining the environment upon which human life depends.

(3) At the 2002 International Conference on Financing for Development, the United States representative reiterated the support of the United States for the Millennium Development Goals and advocated, along with other international participants, for a stronger focus on measurable outcomes derived from a global partnership between developed and developing countries.

(4) On March 22, 2002, President Bush stated, "We fight against poverty because hope is an answer to terror. We fight against poverty because opportunity is a fundamental right to human dignity. We fight against poverty because faith requires it and conscience demands it. We fight against poverty with a growing conviction that major progress is within our reach."

(5) The 2002 National Security Strategy of the United States notes that "a world where some live in comfort and plenty, while half of the human race lives on less than \$2 per day, is neither just nor stable. Including all of the world's poor in an expanding circle of development and opportunity is a moral imperative and one of the top priorities of U.S. international policy".

(6) The National Commission on Terrorist Attacks Upon the United States concluded that the Government of the United States must offer an example of moral leadership in the world and offer parents and their children a vision of the future that emphasizes individual educational and economic opportunity as essential to the efforts of the United States to defeat global terrorism.

(7) The summit of the Group of Eight scheduled for July 2005, the United Nations summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005 will provide opportunities to measure and continue to pursue progress on the Millennium Development Goals.

(8) The summit of the Group of Eight scheduled for July 6 through July 8, 2005, in Gleneagles, Scotland, will bring together the countries that can make the greatest contribution to alleviating extreme poverty in Africa, the region of the world where extreme poverty is most prevalent.

(9) On June 11, 2005, the United States helped secure the agreement of the Group of Eight Finance Ministers to cancel 100 percent of the debt obligations owed to the World Bank, African Development Bank, and International Monetary Fund by countries that are eligible for debt relief under the Highly Indebted Poor Countries Initiative, the initiative established in 1996 by the World Bank and the International Monetary Fund for the purpose of reducing the debt burdens of the world's poorest countries, or under the Enhanced HIPC Initiative, as defined in section 1625 of the International Financial Institutions Act (22 U.S.C. 262p-8), which are poor countries that are on the path to reform.

(10) The report prepared by the Commission for Africa and issued by Prime Minister Tony Blair on March 11, 2005, entitled "Our Common Interest", called for coherence and coordination in the development of an overarching package of actions to be carried out by the countries of Africa and the international community to address the complex

interlocking issues that challenge the continent, many of which have already been addressed individually in previous summits and under the Africa Action Plan enacted by the Group of Eight.

(1) The United States has recognized the need for strengthened economic and trade opportunities, as well as increased financial and technical assistance to Africa and other countries burdened by extreme poverty, through significant initiatives in recent years, including—

(A) the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.) that has opened United States markets to thousands of products from Africa;

(B) the President's Emergency Plan for AIDS Relief developed under section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611), the major focus of which has been on African countries;

(C) the Millennium Challenge Corporation established under section 604 of the Millennium Challenge Act of 2003 (22 U.S.C. 7703) that is in the process of committing new and significant levels of assistance to countries, including countries in Africa, that are poor but show great promise for boosting economic growth and bettering the lives of their people; and

(D) the United States has canceled 100 percent of the bilateral debt owed to the United States by countries eligible for debt relief under the Enhanced HIPC Initiative.

(12) The report prepared by the Commission for Africa entitled "Our Common Interest" includes the following findings:

(A) The people of Africa must demonstrate the leadership necessary to address the governance challenges they face, setting priorities that ensure the development of effective civil and police services, independent judiciaries, and strong parliaments, all of which reinforce a stable and predictable economic environment attractive to investment.

(B) Many leaders in Africa have pursued personal self-interest rather than national goals, a tendency that has been in some instances exacerbated and abetted by the manipulation of foreign governments pursuing their own agenda in the region to the detriment of the people of Africa.

(C) More violent conflict has occurred in Africa during the period between 1965 and 2005 than occurred in any other continent during that period, and the countries of Africa must engage on the individual, national, and regional level to prevent and manage conflict.

(D) The capacity to trade is constrained by a derelict or nonexistent infrastructure in most African countries as well as by the double-edged sword of tariff and nontariff barriers to trade that complicate markets and discourage investment both within and beyond the continent.

(E) The local resources for investment in people and the institutions necessary for good governance have been squandered, misappropriated, and, to an increasingly devastating effect, spent on servicing debt to the developed world. Such resources should be reoriented to serve the needs of the people through the use of debt forgiveness and support for institutional reform and internal capacity building.

(F) Failing to prevent conflict in Africa results in incalculable costs to African development and expense to the international community and the investment in preventing conflict is a fraction of such costs and expenses, in human, security, and financial terms.

(G) Despite difficulties, there is optimism and energy reflected in the scope of activities of individuals such as 2004 Nobel Peace

Prize recipient, Wangari Maathai, as well as those of improved regional organizations such as the African Union and the New Partnership for Economic Development's Peer Review Mechanism, and subregional entities such as the Economic Community of West African States, the Inter-Governmental Authority on Development, and the potential of the Southern African Development Community.

(H) Political reform in Africa has produced results. For example, while in 1985 countries of sub-Saharan Africa ruled by dictators were the norm, by 2005 dictatorships are a minority and democracy has new life with governments chosen by the people increasing fourfold since 1991.

(13) The report prepared by the Commission for Africa entitled "Our Common Interest" includes the following recommendations:

(A) At this vital moment when globalization and growth, technology and trade, and mutual security concerns allow, and common humanity demands, a substantial tangible and coherent package of actions should immediately be taken by the international community, led by the most industrialized countries, in partnership with the countries of Africa, to address the poverty and underdevelopment of the African continent.

(B) The people of Africa must take responsibility and show courageous leadership in addressing problems and taking ownership of solutions as the means for ensuring sustainable development, while implementing governance reform as an underlying prerequisite for foreign assistance effectiveness.

(C) Each developed country has unique strengths and capacity to add value to a comprehensive assistance plan and should join their individual efforts to a coherent whole that is more efficient and responsive to Africa and the people of Africa.

(D) The international community must honor existing commitments to strengthen African peacekeeping capacity and go beyond those commitments to invest in more effective prevention and nonmilitary means to resolve conflict through such regional organizations as the African Union and the subregional Economic Community for West African States.

(E) A massive investment in physical infrastructure should be made to support commerce, extend governance, and provide opportunities for education, healthcare, investment and growth.

(F) Donors and the governments of the countries of Africa should devote substantial investment in the men and women of Africa through the education and health sectors, enabling and extending recent gains made to reach far more broadly into remote regions.

(G) The public sector should actively engage the private sector in driving growth through partnerships by reforming the laws, bureaucracy, and infrastructure necessary to maintain a climate that fosters investment by developing public-private centers of excellence to pursue such reforms.

(H) The countries of Africa must maximize the participation of women in both business and government, protect the rights of women, and work to increase the number of women in leadership positions so as to capitalize on the ability of women to deliver scarce resources effectively and fairly.

(I) The international community must work together to dismantle trade barriers, including the immediate elimination of trade-distorting commodity support.

(J) International donors should strengthen multilateral institutions in Africa to respond appropriately to local and regional crises as well as to promote economic development and ensure the people of Africa are

granted a stronger voice in international forums.

(K) The international community must join in providing creative incentives for commercial firms to research and develop products that improve water, sanitation, health, and the environment in ways that would dramatically reduce suffering and increase productive life-spans in Africa.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) **GROUP OF EIGHT.**—The term "Group of Eight" means the forum for addressing international economic, political, and social issues attended by representatives of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States.

(3) **MILLENNIUM DEVELOPMENT GOALS.**—The term "Millennium Development Goals" means the goals set out in United Nations Millennium Declaration, resolution 55/1 adopted by the General Assembly of the United Nations on September 8, 2000.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should continue to provide the leadership necessary at the summit of the Group of Eight scheduled for July 2005 at Gleneagles, Scotland, to encourage other countries to develop a true partnership to pursue the Millennium Development Goals;

(2) the President should urge the Group of Eight to consider the findings and recommendations contained in the report prepared by the Commission for Africa entitled "Our Common Interest", as a fundamental guide on which to base their planning, in partnership with the nations of Africa, for the development of Africa;

(3) the Group of Eight, as well as governments of the countries of Africa and regional organizations of such governments, should reaffirm and honor the commitments made in the Africa Action Plan enacted by the Group of Eight in previous years; and

(4) the international community should pursue further progress toward achieving the Millennium Development Goals at the summit of the Group of Eight scheduled for July 2005, the United Nations summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005.

SEC. 5. REPORT.

(a) **REQUIREMENT.**—Not later than 60 days after the date of the conclusion of the World Trade Organization Ministerial meeting in Hong Kong that is scheduled to be held December 13 through December 18, 2005, the Secretary of State in consultation with other appropriate United States and international agencies shall submit a report to the appropriate congressional committees on the progress the international community is making toward achieving the Millennium Development Goals.

(b) **CONTENT.**—The report required by subsection (a) shall include the following:

(1) A review of the commitments made by the United States and other members of the international community at the summit of the Group of Eight scheduled for July 2005, the United Nations summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005, that pertain to the ability of the developing world to achieve the Millennium Development Goals.

(2) A review of United States policies and progress toward achieving the Millennium

Development Goals by 2015, as well as policies to provide continued leadership in achieving such goals by 2015.

(3) An evaluation of the contributions of other national and international actors in achieving the Millennium Development Goals by 2015.

(4) An assessment of the likelihood that the Millennium Development Goals will be achieved.

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.

Mr. HATCH. Mr. President, today, I am pleased to introduce "The Bone Marrow and Cord Blood Therapy and Research Act of 2005." I am grateful that Senators DODD, BURR, REED and ENSIGN have joined me as sponsors of this important, bipartisan bill. All five sponsors of this bill have been working on this legislation for the past few months. We have met with organizations that are deeply interested in participating in this new program and heard their input. We talked to other Senators, including members of the Senate Health, Education, Labor and Pension Committee, who have a deep commitment to getting this legislation signed into law by the President. This bill was a group effort and I commend the sponsors of this bill on a job well done.

I am pleased that this legislation will be considered by the Senate HELP Committee on Wednesday; we are hopeful it will then be passed by the Senate in the near future. HELP Chairman ENZI and Ranking Democrat KENNEDY and their staffs have been very supportive of our efforts in getting this bill through the Senate in a timely manner. I greatly appreciate their willingness to work with all of us on this important issue.

As many of my colleagues know, I introduced a bill earlier this year S. 681, the Cord Blood Stem Cell Act of 2005. I have introduced that legislation during the past three Congresses. The bill I have introduced with my colleagues today is a much improved version of my original cord blood legislation, primarily because it reflects a compromise between the key stakeholder groups that are deeply interested in providing federal funding to establish cord blood banks for public use. This legislation creates an easily accessible network of adult stem cell transplant material for the treatment of patients and supports the research into the uses of such cells.

One of the biggest changes in this bill is the establishment of a three year

demonstration project for the collection and storage of cord blood units for a family in which a child has been diagnosed with a condition that will benefit from a cord blood transplant at no cost to the family. When we were meeting with individuals interested in this legislation, we were told by scientific experts that the most successful cord blood transplants come from a sibling's cord blood. Once a cord blood unit is put in a public cord blood bank, there is no guarantee that a family will be able to get that specific cord blood unit back if it is needed. Therefore, we believed that it was necessary to create this demonstration project so that families would have immediate access to its cord blood units. It is important to emphasize that the only families that may participate in this demonstration project are those that have a sick child or parent.

In addition, this legislation includes language calling for single point of access. The purpose of a single point of access is to provide health care providers with the ability to search for bone marrow donors and cord blood units through a single electronic point of access. Today, doctors have to search several places in order to find available cord blood units and bone marrow donors. A single point of access improves this process dramatically for both doctor and patient by making the search process much more efficient.

There is strong, bipartisan interest throughout the Congress for using adult stem cells to treat a wide variety of medical conditions. Our bill not only reauthorizes the National Marrow Donor Program, but it also creates a national network of public cord blood banks. Together, these two programs for umbilical cord blood and adult bone marrow will provide us with a widely-accepted source of hematopoietic stem cells for transplant and research.

For several decades, thousands of Americans have received and been saved by bone marrow transplants. But thousands more die for lack of an appropriate donor. The good news is that research now suggests that the blood and stem cells from human placenta and umbilical cords may in some cases provide an alternative to bone marrow transplantation. For some patients, particularly those for whom a bone marrow match cannot be found, transplantation of these cells may be a life-saving therapy. Cord blood stem cells are readily available, and they require less-stringent matching from donors to recipients, thus decreasing the difficulty of finding a fully matched donor.

Cord blood transplantation has been used successfully to treat leukemia, lymphoma, immunodeficiency diseases, sickle cell anemia, and certain metabolic diseases. However, the number of available cord blood stem cell units in the United States is insufficient to meet the need. The Bone Marrow and Cord Blood Therapy and Research Act of 2005 will establish an inventory of

150,000 new cord blood stem cell units that reflects the diversity of the United States' population. In conjunction with the five million potential bone marrow donors registered through the National Marrow Donor Program, this cord blood network will enable 95 percent of Americans to receive an appropriately matched transplant.

The Bone Marrow and Cord Blood Therapy and Research Act of 2005 also incorporates recommendations from the Institute of Medicine's recent report on cord blood. The Institute provided Congress with guidelines and recommendations to enhance the structure, function, and utility of the program. As a result, I am confident that this Nation's system for obtaining adult stem cells for transplantation purposes will improve dramatically, and that many more of our citizens will have access to the life-saving therapies they offer. Through transplants of this nature, we can finally cure previously incurable diseases such as sickle cell anemia. It is my hope that this legislation will help us ensure that children with this and other illnesses will be able to achieve their full potential, unhindered by poor health.

My goal, which I share with the other sponsors of this bill, is to create the best possible system to provide patients, clinicians, and families with access to these life-saving treatments. I believe the current bill does this by ensuring that the number of bone marrow donors and cord blood units available for transplant and research increases in the coming years.

The integrated system will include not only the international bone marrow donor registry, but also a network of qualified cord blood banks which will collect, test, and preserve cord blood stem cells. In addition, the system will educate and recruit donors, facilitate the rapid matching of donors and recipients, and quickly make such cells available to transplant centers for stem cell transplantation.

The establishment of a national infrastructure for transplant material will help save the lives of thousands of critically ill Americans. We must be sure that our Nation can meet the needs of patients and physicians by ensuring a strong future for bone marrow and cord blood in this country. My primary goal is to ensure that the amount of transplant material available for patient care and research increases in the coming years. The only way that goal may be accomplished is through strong federal support. I look forward to working with my colleagues on doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for bone marrow and cord blood transplantation in this country. This is a good bill and I urge my colleagues to support it.

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

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

S. 1317

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 “Bone Marrow and Cord Blood Therapy and Research Act of 2005”.

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the Bone Marrow and Cord Blood Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary and consistent with section 379(c)(3) of the Public Health Service Act (42 U.S.C. 274k(c)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the Bone Marrow and Cord Blood Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which qualified cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks that are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is released for transplantation or is transferred by the family to the Bone Marrow and Cord Blood Cell Transplantation Program in accordance with guidance or regulations promulgated by the Secretary.

(3) INVENTORY.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the Bone Marrow and Cord Blood Cell Transplantation Program.

(4) REPORT.—Not later than 90 days after the date on which the project under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the project that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the Bone Marrow and Cord Blood Cell Transplantation Program for a period of at least 10 years;

(2) will make cord blood units collected pursuant to this section available through the Bone Marrow and Cord Blood Cell Transplantation Program in perpetuity; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational or does not meet the requirements of section 379(c)(4) of the Public Health Service Act (as added by this Act) and as a result may not distribute the units, transfer the units collected pursuant to this section to another qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) DURATION OF CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that Federal funds provided under any such contract terminate on the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(3) PREFERENCE.—In considering contract extensions under paragraph (2), the Secretary shall give preference to qualified cord blood banks that the Secretary determines have demonstrated a superior ability to satisfy the requirements described in subsection (b) and to achieve the overall goals for which the contract was awarded.

(f) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) The term “Bone Marrow and Cord Blood Cell Transplantation Program” means the Bone Marrow and Cord Blood Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term “cord blood donor” means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term “cord blood unit” means the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(4) The term “first-degree relative” means a sibling or parent who is one meiosis away from a particular individual in a family.

(5) The term “qualified cord blood bank” has the meaning given to that term in section 379(c)(4) of the Public Health Service Act, as amended by this Act.

(6) The term “Secretary” means the Secretary of Health and Human Services.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) EXISTING FUNDS.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of cord blood shall remain available to the Secretary until the end of fiscal year 2007.

(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Secretary \$15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section.

(3) LIMITATION.—Not to exceed 5 percent of the amount appropriated under this section in each of fiscal years 2007 through 2009 may be used to carry out the demonstration project under subsection (c).

SEC. 3. BONE MARROW AND CORD BLOOD CELL TRANSPLANTATION PROGRAM.

(a) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended to read as follows:

“SEC. 379. NATIONAL PROGRAM.

“(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a Bone Marrow and Cord Blood Cell Transplantation Program (referred to in this section as the ‘Program’) that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (c) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

“(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that

“(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

“(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

“(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

“(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

“(4) The membership of the Advisory Council—

“(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood banks and participating birthing hospitals, recipients of a bone marrow transplant, recipients of a cord blood transplant, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in bone marrow and cord blood transplantation, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, basic scientists with expertise in the biology of adult stem cells, and members of the general public; and

“(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

“(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

“(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

“(B) to limit the number of members of the Advisory Council with any such affiliation.

“(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

“(A) an annual report on the activities carried out under this section; and

“(B) not later than 6 months after the date of the enactment of the Bone Marrow and Cord Blood Therapy and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

“(b) ACCREDITATION.—The Secretary shall, through a public process, recognize one or more accreditation entities for the accreditation of cord blood banks.

“(c) FUNCTIONS.—

“(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

“(A) operate a system for listing, searching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

“(B) consistent with paragraph (3), permit transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available bone marrow donors listed in the Program;

“(C) carry out a program for the recruitment of bone marrow donors in accordance with subsection (d), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

“(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

“(E) carry out informational and educational activities in accordance with subsection (d);

“(F) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

“(G) provide for a system of patient advocacy through the office established under subsection (g);

“(H) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient through the office established under subsection (g);

“(I) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

“(J) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool; and

“(K) facilitate and support research to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations.

“(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

“(A) operate a system for listing, searching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood bank;

“(B) consistent with paragraph (3), allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units made available through the Program;

“(C) allow transplant physicians and other appropriate health care professionals to reserve, as defined by the Secretary, a cord blood unit for transplantation;

“(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units;

“(E) provide for a system of patient advocacy through the office established under subsection (g);

“(F) coordinate with the qualified cord blood banks to carry out informational and educational activities in accordance with subsection (f);

“(G) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

“(H) with respect to the system under subparagraph (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances.

“(3) SINGLE POINT OF ACCESS; SUBMISSION OF DATA.—

“(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals and patients are able to, at a minimum, locate, consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood units through a single electronic point of access.

“(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this section to make available a standard dataset for purposes of subparagraph (A) in a standardized electronic format that enables transplant physicians to compare among and between bone marrow donors and cord blood units to ensure the best possible match for the patient.

“(4) DEFINITION.—The term ‘qualified cord blood bank’ means a cord blood bank that—

“(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank;

“(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the transmission of potentially harmful infections and other diseases;

“(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b);

“(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law;

“(E) has established a system for encouraging donation by a genetically diverse group of donors; and

“(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

“(d) BONE MARROW RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

“(1) RECRUITMENT; PRIORITIES.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In the case of populations that are identified under the preceding sentence:

“(A) The Program shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

“(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

“(A) IN GENERAL.—The Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

“(ii) Educating and providing information to individuals who are willing to serve as potential bone marrow donors.

“(iii) Training individuals in requesting individuals to serve as potential bone marrow donors.

“(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

“(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

“(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (c)(1).

“(e) BONE MARROW CRITERIA, STANDARDS, AND PROCEDURES.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, marrow donor registries, marrow collection centers, and marrow transplant centers—

“(1) quality standards and standards for tissue typing, obtaining the informed consent of donors, and providing patient advocacy;

“(2) donor selection criteria, based on established medical criteria, to protect both the donor and the recipient and to prevent the transmission of potentially harmful infectious diseases such as the viruses that cause hepatitis and the etiologic agent for Acquired Immune Deficiency Syndrome;

“(3) procedures to ensure the proper collection and transportation of the marrow;

“(4) standards for the system for patient advocacy operated under subsection (g), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

“(5) standards that—

“(A) require the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

“(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosure; and

“(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of a method for integrating donor files, searches, and general procedures of the center or registry with the Program.

“(f) CORD BLOOD RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

“(1) RECRUITMENT; PRIORITIES.—The Program shall support activities, in cooperation with qualified cord blood banks, for the recruitment of cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence:

“(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a popu-

lation, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall support activities under subparagraph (A) with respect to such populations.

“(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND DONATION.—

“(A) IN GENERAL.—In carrying out the recruitment program under paragraph (1), the Program shall support informational and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

“(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

“(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

“(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

“(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the recruitment program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

“(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (c)(2).

“(g) PATIENT ADVOCACY AND CASE MANAGEMENT FOR BONE MARROW AND CORD BLOOD.—

“(1) IN GENERAL.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an office of patient advocacy (in this subsection referred to as the ‘Office’).

“(2) GENERAL FUNCTIONS.—The Office shall meet the following requirements:

“(A) The Office shall be headed by a director.

“(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy covered under the Program.

“(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

“(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (c) to conduct an ongoing search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

“(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (c) to determine whether the search needs of the patient involved are being met, including with respect to the following:

“(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

“(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

“(iii) Identifying and resolving problems in the search, to the extent practicable.

“(F) The Office shall ensure that the following data are made available to patients:

“(i) The resources available through the Program.

“(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

“(iii) The post-transplant outcomes for individual transplant centers.

“(iv) Information concerning issues that patients may face after a transplant.

“(v) Such other information as the Program determines to be appropriate.

“(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

“(3) CASE MANAGEMENT.—

“(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

“(i) individualized case assessment; and

“(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

“(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients who have completed the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

“(h) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program.

“(i) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

“(j) CONTRACTS.—

“(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

“(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.

“(k) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

“(l) RECORDS.—

“(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose the amount and disposition by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

“(m) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (c)(4)(D) or (e)(5)(A) without the prior written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (e)(5)(B), shall be imprisoned for not more than 2 years or fined in accordance with title 18, United States Code, or both.”

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 2741) is amended to read as follows:

“SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

“(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of a stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a donor.

“(b) INFORMATION.—The outcomes database shall include information in a standardized electronic format with respect to patients described in subsection (a), diagnosis, transplant procedures, results, long-term follow-up, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of a stem cell therapeutics product from a donor.

“(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

“(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood banks.”

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

“SEC. 379A-1. DEFINITIONS.

“In this part:

“(1) The term ‘Advisory Council’ means the advisory council established by the Secretary under section 379(a)(1).

“(2) The term ‘bone marrow’ means the cells found in adult bone marrow and peripheral blood.

“(3) The term ‘outcomes database’ means the database established by the Secretary under section 379A.

“(4) The term ‘Program’ means the Bone Marrow and Cord Blood Cell Transplantation Program established under section 379.”

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

“SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$34,000,000 for fiscal year 2006 and \$38,000,000 for each of fiscal years 2007 through 2010.”

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking “NATIONAL BONE MARROW DONOR REGISTRY” and inserting “BONE MARROW AND CORD BLOOD CELL TRANSPLANTATION PROGRAM”.

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensing of cord blood units.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH, Senator BURR, Senator REED, and Senator ENSIGN in introducing legislation that will significantly benefit some of the most gravely ill patients—those in need of a blood stem cell transplant. By reauthorizing the national program for bone marrow, creating a similar program for umbilical cord blood, and expanding the national stockpile of umbilical cord blood units, this legislation will dramatically increase the chances that patients in need of a life-saving transplant will be able to find an appropriate genetic match.

The bill that we are introducing today is similar to legislation that Senator HATCH and I introduced earlier this year to create a national network of cord blood banks and a cord blood registry. However, there are two important differences. First, this legislation is consistent with recommendations made by the Institute of Medicine, IOM, in their recent report, “Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program,” about the structure of a national cord blood program. Second, and more importantly, this bill would also reauthorize the national bone marrow program, and put both bone marrow and cord blood under the auspices of a single national program. This structure reflects the complimentary nature of bone marrow and cord blood, and will ensure that physicians and patients can more easily find the best possible match for transplantation.

The therapeutic benefits of bone marrow are well established. Bone marrow transplants have been used for nearly half a century to treat patients suffering from diseases such as leukemia, Hodgkin’s Disease, sickle cell anemia, and others. The use of cord blood as an alternative to bone marrow is a more

recent development, but one that is just as promising and exciting.

The bill that we are introducing today will begin a new national commitment to the development of this technology which has the potential to reduce pain and suffering and save the lives of so many Americans afflicted with some of the most debilitating illnesses. Cord blood has already been used successfully in treating a number of diseases, including sickle cell anemia and certain childhood cancers. However, the use of cord blood is still in an early stage relative to the use of bone marrow, and may have even broader application in the II future.

Like many Americans, I had never heard of cord blood before the birth of my first daughter, almost 4 years ago. It is not widely used—at least in this country. Approximately 95 percent of all bone marrow reconstitutions are done using a bone marrow transplant—only 5 percent use cord blood. This figure is surprising when we consider the benefits of cord blood.

First, it can be very difficult to find a suitable bone marrow donor. According to a General Accounting Office, GAO, report, of the 15,231 individuals needing bone marrow transplants between 1997 and 2000 who conducted a preliminary search of the National Bone Marrow Donor Registry, NBMDR, only 4,056 received a transplant—a 27 percent success rate. This number is even lower for minorities. Cord blood would not only produce an additional source of donation; it also does not require as exact a genetic match as bone marrow.

In addition, cord blood is readily available. While it can take months between finding a bone marrow match and actually receiving a transplant, a unit of cord blood can be utilized in a matter of days or weeks. Cord blood also lowers the risk of complications for both the donor and the recipient. The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone marrow in children.

Why then, given all of these benefits, has the use of cord blood not become much more prevalent in the United States? In Japan, where the use of cord blood in clinical settings is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow. This is thanks to legislation passed by Congress in 1986 that established a national registry for bone marrow, which this bill would reauthorize. Our bill

would create a similar infrastructure for cord blood, operating under the auspices of a newly established Bone Marrow and Cord Blood Cell Transplantation Program. In addition to connecting physicians and patients with a suitable bone marrow donor or cord blood unit, the program would be required to educate the general public about cord blood and bone marrow, and encourage an ethnically diverse population of donors.

Our bill would also provide grants to qualified cord blood banks to acquire 150,000 new cord blood units. This number is consistent with recommendations made by the IOM, and should be sufficient to provide a suitable match for 90 percent of the U.S. population.

Finally, the legislation authorizes an appropriation of \$15 million for each of fiscal years 2007 through 2010 for the cord blood inventory grants, and \$186 million over the next 5 years for the establishment and maintenance of the Bone Marrow and Cord Blood Cell Transplantation Program.

Before finishing today I would like to make it clear that, just as I believe that cord blood should act as a complement to, not a replacement for, bone marrow, I also believe that cord blood does not eliminate the need for research into the potential benefits of embryonic stem cells. Just as cord blood seems to be preferable to bone marrow for treating certain individuals or conditions—and the reverse is certainly true as well—the same may prove to be true for embryonic stem cells. Certainly, we should provide doctors with the best tools to help cure their patients, whether those tools come from bone marrow, cord blood, embryonic stem cells, or another source entirely.

I firmly believe that the strengthening of our national infrastructure for bone marrow and the creation of a similar infrastructure for cord blood will save the lives of thousands of gravely ill Americans. I urge my colleagues to support this legislation.

Mr. REED. Mr. President, I join my colleagues, Senators ENSIGN, DODD, HATCH, and BURR, in introducing the Bone Marrow and Cord Blood Therapy and Research Act of 2005. This bipartisan legislation represents a critical step forward in expanding access to lifesaving therapies to millions of patients with conditions that can be treated and even cured with bone marrow or cord blood.

The bill we are introducing today builds upon the already highly successful National Marrow Donor Program that has been in operation since 1987. In addition to reauthorizing this program, our bill calls for the establishment of a formal registry of cord blood units available for transplantation and expands to cord blood transplant recipients many of the program's existing functions, such as donor recruitment, education, information, and patient advocacy, presently available to only bone marrow recipients. It creates

an umbrella program, aptly called the Bone Marrow and Cord Blood Cell Transplantation Program.

Our legislation also captures many of the key recommendations of the Institute of Medicine, IOM, in their April 2004 report entitled, "Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program." The report called for a stepped up effort to expand the inventory of cord blood units available for transplantation and, when appropriate, for research. Our bill establishes a grant program for qualified cord blood banks to help facilitate building an inventory of 150,000 new cord blood units. At that level, 95 percent of Americans with a condition that can be treated through a cord blood transplant could find a genetically suitable match. Additionally, the bill establishes an advisory council to consult and make recommendations to ensure the efficient and effective operation of the program.

Another important aspect of this bill is the creation of a demonstration project to study cord blood donations within families where a first degree relative has been I diagnosed with a condition that could benefit from a cord blood transplant. The legislation sets aside 5 percent of the cord blood inventory grants for the collection and storage of cord blood units at no cost to such families. This effort will be beneficial for families who find themselves in the tragic situation of having a sick child with another child on the way whose cord blood could provide a cure to the sibling. This demonstration program ensures that families will have this treatment option available to them.

I believe that the Bone Marrow and Cord Blood Transplantation and Research Act of 2005 represents a strong compromise that upholds the principals my colleagues and I held as essential in developing a combined bone marrow and cord blood program. The bill also builds on the many strengths of the National Marrow Donor Program, which has facilitated over 20,000 transplants since its inception and has built a donor registry of over 5.5 million potential donors.

I urge the support of all of my colleagues for this bipartisan legislation so that we can send it quickly to the President for his signature.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1020. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1021. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1022. Mr. BURNS (for Mr. FRIST (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2361, supra.

SA 1023. Mr. DORGAN (for Mrs. BOXER (for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. JEFFORDS, and Mr. KERRY)) proposed an amendment to the bill H.R. 2361, supra.

SA 1024. Mr. DORGAN (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2361, supra.

SA 1025. Mr. DORGAN (for himself, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1026. Mr. SUNUNU (for himself, Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, supra.

SA 1027. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1028. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1029. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the bill H.R. 2361, supra.

SA 1030. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1031. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1032. Mr. DORGAN (for Mr. DURBIN) proposed an amendment to the bill H.R. 2361, supra.

SA 1033. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1035. Mr. DORGAN (for Mr. WYDEN) proposed an amendment to the bill H.R. 2361, supra.

SA 1036. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, supra.

SA 1037. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, supra.

SA 1038. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, supra.

SA 1039. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, supra.

SA 1040. Mr. BURNS (for Mr. BOND) proposed an amendment to the bill H.R. 2361, supra.

SA 1041. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2361, supra.

SA 1042. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill H.R. 2361, supra.

SA 1043. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, supra.

SA 1044. Mr. DORGAN (for Mr. BYRD) proposed an amendment to the bill H.R. 2361, supra.

SA 1045. Mr. DORGAN (for Mr. CONRAD) proposed an amendment to the bill H.R. 2361, supra.

SA 1046. Mr. DORGAN (for Mr. SARBANES (for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2361, supra.

SA 1047. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1048. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1049. Mr. KYL proposed an amendment to the bill H.R. 2361, supra.

SA 1050. Mr. KYL proposed an amendment to the bill H.R. 2361, supra.

SA 1051. Mr. KYL (for Mr. INHOFE) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1052. Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, and Mr. AKAKA)) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1053. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1054. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1055. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1056. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1057. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1058. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1059. Mr. DORGAN proposed an amendment to the bill H.R. 2361, *supra*.

SA 1060. Mr. DORGAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1061. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1062. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, *supra*.

SA 1063. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, *supra*; which was ordered to lie on the table.

SA 1064. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2361, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1020. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) The on-budget deficit for fiscal year 2005 is estimated to be \$541 billion according to the Congressional Budget Office.

(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach \$6 trillion by 2011 according to the Congressional Budget Office.

(3) The United States and its allies are currently engaged in a global war on terrorism.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.

(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.

(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

SA 1021. Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, after line 2, add the following:
SEC. . None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

SA 1022. Mr. BURNS (for Mr. FRIST (for himself and Mr. REID)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title IV, insert the following:
SEC. . CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW, Square 631, Lot 17 in the District of Columbia; and

(2) if any variance described under paragraph (1) is granted before the effective date of this section, such variance shall be set aside and shall have no force or effect.

(b) CONDITIONS FOR VARIANCE.—A variance described under subsection (a) may be granted or shall be given force or effect if—

(1) the Capitol Police Board makes a determination that any such variance shall not—
(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

SA 1023. Mr. DORGAN (for Mrs. BOXER (for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. JEFFORDS, and Mr. KERRY)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

(1) to accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

SA 1024. Mr. DORGAN (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.”.

SA 1025. Mr. DORGAN (for himself, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 429. (a) IN GENERAL.—Section 7 of the Federal Reserve Act (12 U.S.C. 789 et seq.) is amended by adding at the end the following: “(d) ADDITIONAL TRANSFERS FOR FISCAL YEAR 2006.—

“(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of \$1,000,000,000 in fiscal year 2006.

“(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year.

“(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish the surplus fund of such bank by the amount of any transfer by such bank under paragraph (1) during fiscal year 2006.”.

(b) USE OF SURPLUS.—Of amounts transferred to the general fund of the Treasury under section 7(d) of the Federal Reserve Act, as added by this section—

(1) \$140,000,000 shall be made available to the Secretary of the Interior for use by the Bureau of Indian Affairs; and

(2) \$860,000,000 shall be made available to the Secretary of Health and Human Services for use by the Director of the Indian Health Service in providing Indian health care services and facilities.

SA 1026. Mr. SUNUNU (for himself, Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available by this Act may be used to plan, design,

study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

SA 1027. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available by this Act may be used to carry out any study relating to bear DNA, including a bear DNA sampling study.

SA 1028. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

SA 1029. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 429. (a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated \$600,000,000 for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1030. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110.(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

(b) Notwithstanding any other provision of law, \$178,730 is authorized to be appropriated for the Southwest Indian Polytechnic Institute.

SA 1031. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 130, line 2, strike “\$1,000,000” and insert “\$1,250,000”.

On page 138, line 7, strike “\$2,000,000” and insert “\$2,500,000”.

On page 146, line 19, strike “\$1,937,000” and insert “\$2,500,000”.

On page 211, line 25, strike “\$2,000,000” and insert “\$2,500,000”.

SA 1032. Mr. DORGAN (for Mr. DURBIN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SA 1033. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SA 1034. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related

agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, after line 25, add the following:

TITLE VI—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE.

This title may be cited as the “Arabia Mountain National Heritage Area Act”.

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 603. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) HERITAGE AREA.—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 604.

(2) MANAGEMENT ENTITY.—The term “management entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the heritage area developed under section 606.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Georgia.

SEC. 604. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established the Arabia Mountain National Heritage Area in the State.

(b) **BOUNDARIES.**—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "Arabia Mountain National Heritage Area", numbered AMNHA-80,000, and dated October 2003.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **MANAGEMENT ENTITY.**—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 605. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The management entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) **PRIORITIES.**—The management entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the management entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the management entity.

(B) The expenses and income of the management entity.

(5) **AUDIT.**—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The management entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 606. MANAGEMENT PLAN.

(a) **IN GENERAL.**—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **REVISION.**—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) **REVISION OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this title shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 607. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 608. EFFECT ON CERTAIN AUTHORITY.

(a) **OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.**—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 604(b) but for the establishment of the heritage area by section 604; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 604(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 604.

(b) **LAND USE REGULATION.**—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be used in any fiscal year.

(b) **FEDERAL SHARE.**—The Federal share of the cost of any project or activity carried out using funds made available under this title shall not exceed 50 percent.

SEC. 610. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this title shall terminate on September 30, 2016.

SA 1035. Mr. DORGAN (for Mr. WYDEN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking "fiscal year 1999" and all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015".

SA 1036. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 198, lines 21 and 22, strike "Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006" and insert the following: "Notwithstanding section 104(k)(4)(B)(i)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)(IV)), beginning in fiscal year 2006 and thereafter, appropriated funds "

SA 1037. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 200, between lines 2 and 3, insert the following:

Beginning in fiscal year 2006 and thereafter, notwithstanding any other provision of law, recipients of grants provided under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) may use the grant funds for reasonable administrative expenses, as determined by the Administrator of the Environmental Protection Agency.

SA 1038. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 171, line 13, strike "\$94,627,000" and insert "\$87,627,000".

On page 172, line 17, strike "\$235,000,000" and insert "\$242,000,000".

SA 1039. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which the fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collecting State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)).

SA 1040. Mr. BURNS (for Mr. BOND) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, envi-

ronment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 12, strike "That" and insert "That from the amount provided for the biological research activity, \$200,000 shall be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further, That*".

SA 1041. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following: "*Provided further, That*, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws."

SA 1042. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 149, line 7, after "acquisitions," insert the following: "of which \$4,285,000 shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia,".

SA 1043. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 249, line 19, before the period, insert the following: "conducted in accordance with generally accepted full cost accounting principles".

On page 250, between lines 23 and 24, insert the following:

(e) AUDIT.—(1) In this subsection:

(A) The term "baseline organization" means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.

(B) The term "new organization" means the private contractor, or the most efficient public agency, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.

(2) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of the competitive sourcing program of the Forest Service.

(3) The audit shall include—

(A) an analysis of the costs and benefits of the competitive sourcing initiative conducted by the Forest Service;

(B) an analysis of existing procedures to track (in accordance with full cost accounting principles) all costs required to calculate accurate savings or losses attributable to a competitive sourcing study, and rec-

ommendations on how the existing procedures can be improved, including all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing (including personnel, consultant, travel, and training costs associated with program management), including—

(i) costs incurred by the Forest Service before initiation of the competitive sourcing study in performing the work to be studied with the baseline organization;

(ii) costs of performing the competitive sourcing study, including—

(I) travel and per diem costs;

(II) training and communications costs;

(III) contractor costs; and

(IV) the cost to the Federal Government of Federal employees working on any aspect of the study or performing any work necessitated by the study;

(iii) costs of implementing the competitive sourcing study results, including costs described in clause (ii) and costs associated with buyouts, transfers of station, and reductions in force;

(iv) ongoing operational costs of performing the work with the new organization employed as a result of competitive sourcing study, including any modifications to the contract or letter of obligation necessitated by omissions in the statement of work of the solicitation;

(v) costs associated with oversight and maintenance of the contract or letter of obligation;

(vi) savings realized or costs borne by the Forest Service that are not included under clause (iv), including savings or costs due to—

(I) changes in the timeliness or quality of the work provided by the new organization;

(II) changes in procedures of the Forest Service necessitated by the new organization;

(III) the assignment to employees or contractors outside of the new organization of duties previously performed by the baseline organization; and

(IV) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a collateral basis; and

(vii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;

(D) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and

(E) an analysis of—

(i) the A-76 study that resulted in the information services organization and the continuing Federal Government activity;

(ii) the A-76 study of Region 5 fleet maintenance work that resulted in the transfer of work to Serco; and

(iii) the financial management improvement project, accomplished by means of business process reengineering.

SA 1044. Mr. DORGAN (for Mr. BYRD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 139, line 5, before the period insert the following: “: *Provided further*, That of the total amounts made available under this heading, \$350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery”.

SA 1045. Mr. DORGAN (for Mr. CONRAD) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 195, line 7, after “costs”, insert the following: “, of which \$200,000 shall be made available for a brownfields assessment of the Fortuna Radar Site”.

SA 1046. Mr. DORGAN (for Mr. SARBANES (for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith’s voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

“(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

“(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312); and

“(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).”.

SA 1047. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 200, line 23, after “Fund”, insert the following: “and of which \$32,320,000 shall be made available for the forest stewardship program (of which \$5,000,000 shall be made available for the Downeast Lakes Forestry Partnership, Maine, including for the acquisition of land by the Partnership)”.

SA 1048. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Departments of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . BISCUIT FIRE RECOVERY PROJECT, REPORT.

(a) Within 90 days of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the rehabilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision;

(2) the commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area; and

(3) all actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

SA 1049. Mr. KYL proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 195, line 9, after the semicolon, insert the following: “\$500,000 shall be for debt retirement for the State Water Pollution Control Revolving Fund for the wastewater treatment plant in Safford, Arizona; \$3,000,000 shall be for the expansion of the wastewater treatment plant in Lake Havasu City, Arizona; \$1,000,000 shall be for the expansion of the wastewater treatment plant in Avondale, Arizona;”.

SA 1050. Mr. KYL proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this subsection:

“(1) NEEDS SURVEY.—The term ‘needs survey’ means a need survey under section 516(2).

“(2) NEEDS SURVEY PERCENTAGE.—The term ‘needs survey percentage’, with respect to a State, means the percentage applicable to the State under a formula for the allotment of funds made available to carry out this section for a fiscal year to States in amounts determined by the Administrator, based on the ratio that—

“(A) the needs of a State described in categories I through VII of the most recent needs survey; bears to

“(B) the needs of all States described in categories I through VII of the most recent needs survey.

“(3) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia; and

“(C) the Commonwealth of Puerto Rico.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Funds made available to carry out this section for a fiscal year shall be allocated by the Administrator in accordance with this subsection.

“(2) INDIAN TRIBES.—Of the total amount of funds available for a fiscal year, the Administrator shall reserve, before making allotments to States under paragraph (4), not less than 1.5 percent of the funds to be allocated

to Indian tribes (within the meaning of section 518(c)).

“(3) CERTAIN TERRITORIES AND FREELY ASSOCIATED STATES.—Of the total amount of funds made available for a fiscal year, 0.25 percent shall be allocated to and among, as determined by the Administrator—

“(A) Guam;

“(B) American Samoa;

“(C) the Commonwealth of the Northern Mariana Islands;

“(D) the Federated States of Micronesia;

“(E) the Republic of the Marshall Islands;

“(F) the Republic of Palau; and

“(G) the United States Virgin Islands.

“(4) STATES.—

“(A) TARGET ALLOCATION.—Each State shall have a target allocation for a fiscal year, which—

“(i) in the case of a State for which the needs survey percentage is less than 1.0 percent, shall be 1.0 percent; and

“(ii) in the case of any other State, shall be the most recent needs survey percentage.

“(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher total needs both in absolute dollar terms and as a percentage of total United States needs.”.

SA 1051. Mr. KYL (for Mr. INHOFE) proposed an amendment, to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year end September 30, 2006, and for other purposes; as follows:

On page 200, after line 2, the following:

SEC. .

None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

SA 1052. Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs \$1,420,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, of which \$420,000,000 shall be divided evenly between the Veterans Integrated Service Networks.

(b) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(c) This section shall take effect on the date of enactment of this Act.

SA 1053. Mr. BYRD (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 189, after line 20, add the following:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Interior \$10,000,000, to remain available until expended, for activities authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333).

(b) Section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333) is amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the amount reduced in Title I in the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by \$10,000,000.

SA 1054. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 130, line 2, strike "\$1,000,000" and insert "\$1,250,000".

On page 138, line 7, strike "\$2,000,000" and insert "\$2,500,000".

On page 146, line 19, strike "\$1,937,000" and insert "\$2,500,000".

On page 211, line 25, strike "\$2,000,000" and insert "\$2,500,000".

SA 1055. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 250, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration and document the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SA 1056. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

SA 1057. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 255, strike line 1 and all that follows through page 263, line 22, and insert the following:

SEC. 4 _____. Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "40 sites" and inserting "60 sites";

(2) in subsection (c), by striking "13 sites" and inserting "25 sites"; and

(3) in subsection (d), by striking "2008" and inserting "2009".

SA 1058. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Beginning on page 255, strike line 1 and all that follows through page 263, line 25, and insert the following:

TITLE V—FACILITY REALIGNMENT AND ENHANCEMENT ACT OF 2005

SEC. 501. SHORT TITLE.

This title may be cited as the "Forest Service Facility Realignment and Enhancement Act of 2005".

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term "administrative site" means—

(i) any facility or improvement, including curtilage that was acquired or is used specifically for purposes of administration of the National Forest System; and

(ii) any associated Federal land necessary to include for efficient administration of the National Forest System that was acquired or is utilized specifically for purposes of administration of Forest Service activities and underlies or abuts an administrative facility, improvement, or curtilage; or

(iii) up to 10 isolated parcels of not more than 80 acres which were acquired for administrative purposes but have not been utilized, such as vacant town lots outside of a National Forest proclaimed boundary.

(B) INCLUSIONS.—The term "administrative site" includes—

(i) a forest headquarters;

(ii) a ranger station;

(iii) a research station or laboratory;

(iv) a dwelling;

(v) a warehouse;

(vi) a scaling station;

(vii) a fire-retardant mixing station;

(viii) a lookout;

(ix) a visitor center;

(x) a guard station;

(xi) a storage facility;

(xii) a telecommunication facility; and

(xiii) other administrative installations for conducting Forest Service activities.

(C) EXCLUSIONS.—Federal land to be conveyed under this Act shall not include—

(1) any area within a unit of the National Forest System specifically designated for resource protection, conservation, or recreational purposes, including land within the National Wilderness Preservation System, the Wild and Scenic River System, and National Monuments; or

(2) land that is needed for resource management purposes or that would be in the public interest to retain.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(3) MARKET ANALYSIS.—The term "market analysis" means the identification and study of the real estate market for a particular economic good or service.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION OF CONVEYANCES.

(a) IN GENERAL.—For fiscal years 2006-2009, the Secretary may convey, by sale, lease, exchange, a combination of sales and exchanges, or by other means, any administrative site or interest in an administrative site that is—

(1) except for those administrative sites described in section 502(1)(A)(iii), less than 40 acres for each administrative site or compound of administrative sites; and

(2) under the jurisdiction of the Secretary.

(b) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, in any conveyance under subsection (a), the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to the administrative site conveyed.

(2) NOTICE.—Notwithstanding paragraph (1), if the administrative site being conveyed has lead-based paint or asbestos-containing building materials, the Secretary shall—

(A) provide to the person acquiring the administrative site notice of the presence of lead-based paint or asbestos-containing material; and

(B) obtain from the person acquiring the administrative site a written assurance that the person will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint or asbestos-containing materials.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES.—A conveyance under this section shall not be subject to subchapter I of chapter 5, title 40, United States Code.

(d) NOTICE TO CONGRESS.—At least once a year, the Secretary shall submit to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Energy and Natural Resources of the Senate notice of any conveyances under this section.

(e) ENVIRONMENTAL REVIEW.—In any environmental review or analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the disposal of an administrative site under this section, the Secretary shall only consider or analyze the most reasonably foreseeable use of the administrative site as determined through a market analysis and whether to reserve any right, title, or interest in the administrative site under subsection (f)(3).

(f) CONFIGURATION OF LAND.—

(1) IN GENERAL.—To facilitate a conveyance under this section, the Secretary may configure the administrative site to be conveyed to—

(A) maximize the marketability of the administrative site; and

(B) achieve management objectives.

(2) IMPROVEMENTS.—Improvements to the administrative site to be conveyed may be severed from the land and disposed of in separate conveyances.

(3) RESERVATION.—In any disposition of an administrative site under this section, the Secretary may reserve any right, title, and interest in and to the administrative site that the Secretary determines to be necessary, including—

(A) a reservation of water rights;

(B) a right-of-way; and

(C) a utility easement.

(g) CONSIDERATION.—

(1) AMOUNT.—In consideration for a conveyance authorized under subsection (a), the purchaser shall pay to the Secretary the amount that is equal to the fair market value of the administrative site conveyed, as provided in paragraph (3).

(2) APPRAISAL.—The Secretary shall determine fair market value by—

(A) conducting an appraisal that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal practice; or

(B) competitive sale.

(3) FORM.—

(A) SALE.—Consideration for a sale under this section shall be paid in cash on conveyance of the administrative site.

(B) EXCHANGE.—

(i) EQUAL IN VALUE.—Consideration for an exchange of land or an improvement to land under this section shall be in the form of a conveyance of land or improvement that is equal in value to the administrative site conveyed.

(ii) NOT EQUAL IN VALUE.—If the values of land or improvements to be exchanged under this Act and described in clause (i) are not equal, the values may be equalized by—

(I) the Secretary making a cash payment to the purchaser;

(II) the purchaser making a cash equalization payment to the Secretary; or

(III) reducing the value of the administrative site or the non-Federal land or improvements, as appropriate.

(h) REJECTION OF OFFERS.—The Secretary shall reject any offer made under this section if the Secretary determines that the offer is not—

(1) adequate to provide market value under subsection (g)(1); or

(2) in the public interest.

(i) BROKERAGE SERVICES.—The Secretary may use the proceeds of sales or exchanges under this section to pay reasonable commissions or fees for brokerage services if the Secretary determines that the services are in the public interest.

(j) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—After deducting any costs of the Secretary relating to a conveyance, the Secretary shall deposit the proceeds from the conveyance in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall remain available to the Secretary until expended, without further appropriation, to pay any necessary and incidental costs of the Secretary for the acquisition, improvement, deferred maintenance, construction of new facilities; and disposition of administrative sites and capital improvements on National Forest System land.

(k) CONSULTATION WITH ADMINISTRATOR.—As appropriate, the Secretary is encouraged to work with the Administrator with respect to the conveyance of administrative sites.

SEC. 504. WORKING CAPITAL FUND.

(a) IN GENERAL.—Section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) is amended to read as follows:

“SEC. 13. WORKING CAPITAL FUND.

“(a) ESTABLISHMENT.—There is established a working capital fund (referred to in this section as the ‘Fund’), which shall be available without fiscal year limitation.

“(b) USE.—Amounts in the Fund shall be used to pay the costs of purchasing, constructing, performing capital repairs on, renovating, rehabilitating, disposing, or replacing buildings and to carry out deferred maintenance and improvements to land for programs of the Forest Service, subject to any limitations in appropriations for the Forest Service.

“(c) TRANSFER AND CAPITALIZATION.—The Secretary of Agriculture (referred to in this section as the ‘Secretary’) may—

“(1) transfer to the Fund, without reimbursement, and capitalize in the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines to be appropriate; and

“(2) assume the liabilities associated with the assets transferred under paragraph (1).

“(d) ADVANCE PAYMENTS.—The fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the

Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.”.

(b) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect the status of funds and assets in the working capital fund established by section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) as in effect on the date of enactment of this section.

SA 1059. Mr. DORGAN proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

SEC. . FAMILY TRAVEL TO CUBA IN HUMANITARIAN CIRCUMSTANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person’s immediate family) for the purpose of visiting a member of the person’s immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON’S IMMEDIATE FAMILY.—The term “member of the person’s immediate family” means—

(A) the person’s spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term “humanitarian reasons” means—

(A) to visit or care for a member of the person’s immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person’s immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person’s immediate family.

SA 1060. Mr. DORGAN (for Ms. LANDRIEU) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Page 147, line 25 strike “\$72,500,000” and insert “\$67,000,000”.

Page 148, line 1 after 2007, insert “of which \$3,500,000 is for Historically Black Colleges and Universities.”

Page 172 line 4 strike “\$10,000,000” and insert “\$13,500,000”.

SA 1061. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place insert:

SEC. . None of the funds made available in this Act may be used in contravention of 15 U.S.C. §2682(c)(3) or to delay the implementation of that section.

SA 1062. Mr. DORGAN (for Mr. OBAMA) proposed an amendment to the

bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place insert:

Provided, That of the funds made available under the heading “Environmental Programs and Management,” not less than \$100,000 shall be made available to issue the proposed rule required under 15 U.S.C. §2682(c)(3) by November 1, 2005, and promulgate the final rule required under 15 U.S.C. §2682(c)(3) by September 30, 2006.

SA 1063. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 22, strike “\$86,005,000” and insert “\$85,655,000”.

On page 254, after line 25, add the following:

SEC. 4 _____. The Secretary shall use \$350,000 to fund phase II improvements to the wastewater treatment plant in Moultrie, Georgia.

SA 1064. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4 _____. Beginning in fiscal year 2006 and thereafter, the Secretary of Interior or the Secretary of Agriculture shall not use any Federal funds for the purpose of imposing, or considering the imposition of, requirements to restrict or limit the diversion, storage, transportation, or use of water under vested water rights that are—

(1) recognized under Colorado law; and

(2) associated with a facility that is—

(A) in existence on the date of enactment of this Act; and

(B) used for the diversion, storage, transportation, or use of water that is located in whole or in part on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 28, 2005, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming. Those wishing additional information may contact the Indian Affairs Committee.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. PRESIDENT, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 29, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on the following:

(1) S.J. Res. 15, A bill to acknowledge a long history of official deprivations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

(2) S. 374, A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

(3) S. 113, A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust.

(4) S. 881, A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydro-power by the Grand Coulee Dam, and for other purposes.

(5) S. 449, A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes.

(6) H.R. 797/S. 475, A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other acts to improve housing programs for Indians.

(7) S. 623, A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, UT, and for other purposes.

(8) S. 598, A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

(9) S. , A bill to condemn certain subsurface rights to land held trust by the State of Arizona, and convey subsurface rights held by BLM, for the Pascua Yaqui Tribe.

(10) S. , A bill to authorize funding for the National Indian Gaming Commission.

(11) S. 1239, A bill to authorize the use of Indian Health Service funds to pay Medicare Part D premiums on behalf of Indians.

(12) S. 1231, A bill to provide initial funding for the National Fund for Excellence in American Indian Education previously established by Congress.

(13) S. , A bill to require former Federal employees who are employed by tribes to adhere to conflict of interest rules.

(14) S. , A bill to amend the Tribally Controlled Community College and Universities Assistance Act.

Those wishing additional information may contact the Indian Affairs Committee.

**RED TIDE EMERGENCY RELIEF
ACT OF 2005**

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate pro-

ceed to the immediate consideration of S. 1316 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1316) to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today Senator SNOWE and I have introduced a bill to help a group of nearly 300 fishermen, known as aquaculturists, who are falling through the cracks of the Government's disaster assistance programs. Right now these businesses are prohibited from receiving SBA disaster loans, and they are eligible for USDA disaster loans only under limited circumstances.

To our dismay, we have learned that SBA has come across this dilemma many times in the past, most recently last year in Connecticut, and yet no one at that agency has ever tried to coordinate with the Department of Agriculture. To make matters worse, the SBA waited two weeks to let us know that they wouldn't be able to serve all our small businesses. So even in those cases in which these harmed small businesses would be eligible for loans from the USDA, hundreds of small businesses are left waiting for the Secretary of Agriculture to go through the same hoops to certify a disaster and make that agency's disaster loans available. I appreciate all the Farm Service Agency has done to expedite the process, and compliment their staff for being so responsive. However, this isn't right.

Our State has been hit by the worst case of red tide in more than 30 years. These small business owners have seen their income disappear because they can't sell their inventory. With no income they can't pay their bills, invest in seeds to plant future crops, and they can't afford to maintain their current crops. They need access to these low-cost loans to help them makes ends meet until the Government opens the shores and declares shellfish once again safe to eat.

Businesses in trouble can't, and shouldn't have to, wait for this redtape to be resolved. To make sure this doesn't happen in the future, I am joining Senator SNOWE to make it possible for aquaculturists to be eligible for SBA economic injury disaster loans. This will complement what the Department of Agriculture's Farm Services Agency can offer in disaster loans. I want to also assure my colleagues that businesses are only eligible for loans through the SBA or Farm Service Agency but not both. This is already prohibited by law, and the agencies have in place procedures to protect against misuse. I than Senator SNOWE for working with me to help our fishermen hurting from red tide.

I ask unanimous consent that an article on this problem be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

**SHELLFISH GROWERS FEEL SNUBBED BY "RED
TIDE" LOAN PROGRAM**

(By Michael Kunzelman)

BOSTON.—Shellfish grower Barbara Austin has been out of work, just like hundreds of shellfishermen, ever since a toxic "red tide" closed shellfishing areas across the state earlier this month.

The difference is that she and nearly 300 other aquaculturists aren't eligible for the same low-interest loans to help them weather the financial storm.

Austin, of Wellfleet, pursued a loan from the Small Business Administration before learning they're reserved for the state's roughly 1,500 shellfishermen. The state's 287 licensed aquaculturists, who plant and harvest shellfish, aren't eligible because the SBA considers them farmers, not fishermen.

Austin said the rule was "kind of a slap in the face."

"If they're going to make offers like this, they should have been clear about what they're really offering," she said Tuesday.

In response, members of the state's congressional delegation Tuesday sent a letter to Agriculture Secretary Mike Johanns, urging him to make emergency financial assistance available to aquaculturists and fish farmers in eight Massachusetts counties.

Democratic Sen. Edward M. Kennedy, who also spearheaded a letter to Federal Emergency Management Agency Director Michael Brown asking him to meet with the delegation, said FEMA should coordinate the federal disaster relief for those affected by the red tide.

The shellfishermen, said Sen. John Kerry, D-Mass., "shouldn't be blocked from receiving low interest loans because of bureaucratic red tape."

The SBA's enforcement of an "obscure rule" was a surprise, said Mark Forest, district director for U.S. Rep. William Delahunt, D-Mass.

"Obviously, we are not pleased," Forest said. "We're working to get the problem fixed quickly."

Efforts to reach SBA regional director William Leggerio weren't immediately successful Tuesday.

On June 9, Gov. Mitt Romney declared a state of emergency and asked the SBA for disaster assistance for the shellfishing industry, which is losing an estimated \$3 million a week. Less than a week later, the SBA announced that it would offer loans of up to \$1.5 million with a 4 percent interest rate.

Other forms of financial assistance could be available soon. The state also is asking for disaster aid from the Federal Emergency Management Agency.

In the meantime, most of the shellfish beds shut down along the coast of Massachusetts will remain closed for at least four to five more weeks, state shellfish biologist Michael Hickey said Tuesday.

Hickey said the size and intensity of the toxic algae bloom is dropping in the waters off the North Shore and Cape Cod, but it could take two more weeks for the bloom to completely disappear. After that, he added, it would take two to three more weeks before shellfish beds can reopen.

"The good news is that areas we do have open are safe. The shellfish on the market is safe. The beaches are safe," Hickey said. "The bad news is, it's not over. (The bloom) is not going to be over for another couple of weeks."

The red tide algae contaminates shellfish such as clams and mussels, making them unsafe for people and animals to eat. The outbreak is the region's worst since 1972.

Mr. McCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1316) was read the third time and passed, as follows:

S. 1316

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 “Red Tide Emergency Relief Act of 2005”.

SEC. 2. FINDINGS.

Congress finds that—

(1) shellfish growers, known as “aquaculturists”, from the Schoodic Peninsula in Maine to Buzzards Bay in Massachusetts have suffered substantial economic injury due to the worst occurrence of toxic algae bloom, known as “Red Tide”, along the New England Coast since 1972;

(2) toxins produced by the Red Tide algae contaminate shellfish like clams and mussels, making them unsafe for people and animals to eat, forcing the extended closure of shellfish beds along contaminated areas.

(3) hundreds of shellfish growers have been affected by the Red Tide, and losses industrywide are estimated at \$3 million a week; and

(4) shellfish growers are currently considered to be agricultural enterprises, and are therefore ineligible for economic injury disaster loans available to other small business concerns through the Small Business Administration;

(5) shellfish growers are only eligible for emergency loans through the Farm Service Agency of the Department of Agriculture under limited circumstances;

(6) the Small Business Act should be amended to make shellfish growers eligible for emergency small business assistance, as a complement to assistance otherwise offered through Federal programs.

SEC. 3. AUTHORITY TO PROVIDE DISASTER ASSISTANCE TO AQUACULTURE ENTERPRISES.

Section 18(b)(1) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended—

(1) by striking “aquaculture,”; and

(2) by inserting before the semicolon at the end “, other than aquaculture”.

PARTNERS FOR FISH AND WILDLIFE ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 134, S. 260.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 260) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments.

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

S. 260

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 “Partners for Fish and Wildlife Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has led to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

(b) PURPOSE.—The purpose of this Act is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term “Federal trust species” means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term “habitat enhancement” means the manipulation of the physical, chemical, or biological characteristics of a [native] habitat to change a specific function or seral stage of the [native] habitat.

(B) INCLUSIONS.—The term “habitat enhancement” includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefitting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(i) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

(C) EXCLUSIONS.—The term “habitat enhancement” does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

(3) HABITAT ESTABLISHMENT.—The term “habitat establishment” means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on non-hydric soils; and

(B) side channel spawning and rearing habitat.

(4) HABITAT IMPROVEMENT.—The term “habitat improvement” means restoring [or artificially providing], *enhancing, or establishing* physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION.—

(A) IN GENERAL.—The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

(B) INCLUSIONS.—The term “habitat restoration” includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term “private land” means any land that is not owned by the

Federal Government[, a State, or a political subdivision of a State] or a State.

(B) INCLUSIONS.—The term “private land” includes tribal land and Hawaiian homeland.

(7) PROJECT.—The term “project” means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

[The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment.]

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

[The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than \$75,000,000 for each of fiscal years 2006 through 2011.

Mr. MCCONNELL. I ask unanimous consent the committee-reported amendments be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 260), as amended, was read the third time and passed, as follows:

S. 260

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 “Partners for Fish and Wildlife Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is no readily available source of technical biological information that the public can access to assist with the application of state-of-the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects is needed;

(5) durable partnerships working collaboratively with willing private landowners to

implement on-the-ground projects has led to the reduction of endangered species listings;

(6) Executive Order No. 13352 (69 Fed. Reg. 52989) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs involving the collaboration of Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals;

(7) since 1987, the Partners for Fish and Wildlife Program has exemplified cooperative conservation as an innovative, voluntary partnership program that helps private landowners restore wetland and other important fish and wildlife habitat; and

(8) through 33,103 agreements with private landowners, the Partners for Fish and Wildlife Program has accomplished the restoration of 677,000 acres of wetland, 1,253,700 acres of prairie and native grasslands, and 5,560 miles of riparian and in-stream habitat since 1987, demonstrating much of that success since only 2001.

(b) PURPOSE.—The purpose of this Act is to provide for the restoration, enhancement, and management of fish and wildlife habitats on private land through the Partners for Fish and Wildlife Program, a program that works with private landowners to conduct cost-effective habitat projects for the benefit of fish and wildlife resources in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term “Federal trust species” means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term “habitat enhancement” means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or seral stage of the habitat.

(B) INCLUSIONS.—The term “habitat enhancement” includes—

(i) an activity conducted to increase or decrease a specific function for the purpose of benefiting species, including—

(I) increasing the hydroperiod and water depth of a stream or wetland beyond what would naturally occur;

(II) improving waterfowl habitat conditions;

(III) establishing water level management capabilities for native plant communities;

(IV) creating mud flat conditions important for shorebirds; and

(V) cross fencing or establishing a rotational grazing system on native range to improve grassland nesting bird habitat conditions; and

(ii) an activity conducted to shift a native plant community successional stage, including—

(I) burning an established native grass community to reduce or eliminate invading brush or exotic species;

(II) brush shearing to set back early successional plant communities; and

(III) forest management that promotes a particular seral stage.

(C) EXCLUSIONS.—The term “habitat enhancement” does not include regularly scheduled and routine maintenance and management activities, such as annual mowing or spraying of unwanted vegetation.

(3) HABITAT ESTABLISHMENT.—The term “habitat establishment” means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site, including construction of—

(A) shallow water impoundments on non-hydric soils; and

(B) side channel spawning and rearing habitat.

(4) HABITAT IMPROVEMENT.—The term “habitat improvement” means restoring, enhancing, or establishing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION.—

(A) IN GENERAL.—The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the majority of natural functions to the lost or degraded native habitat.

(B) INCLUSIONS.—The term “habitat restoration” includes—

(i) an activity conducted to return a project site, to the maximum extent practicable, to the ecological condition that existed prior to the loss or degradation, including—

(I) removing tile drains or plugging drainage ditches in former or degraded wetland;

(II) returning meanders and sustainable profiles to straightened streams;

(III) burning grass communities heavily invaded by exotic species to reestablish native grass and plant communities; and

(IV) planting plant communities that are native to the project site;

(ii) if restoration of a project site to its original ecological condition is not practicable, an activity that repairs 1 or more of the original habitat functions and that involve the use of native vegetation, including—

(I) the installation of a water control structure in a swale on land isolated from overbank flooding by a major levee to simulate natural hydrological processes; and

(II) the placement of streambank or instream habitat diversity structures in streams that cannot be restored to original conditions or profile; and

(iii) removal of a disturbing or degrading element to enable the native habitat to reestablish or become fully functional.

(6) PRIVATE LAND.—

(A) IN GENERAL.—The term “private land” means any land that is not owned by the Federal Government or a State.

(B) INCLUSIONS.—The term “private land” includes tribal land and Hawaiian homeland.

(7) PROJECT.—The term “project” means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than \$75,000,000 for each of fiscal years 2006 through 2011.

SPONSORSHIP OF AMENDMENT NO. 98

Mr. McCONNELL. Mr. President, I ask unanimous consent all references to amendment No. 98, which was adopted by the Senate on Wednesday, June 23, reflect that the sponsor is Senator CONRAD, not Senator OBAMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 28, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 28. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 6, the Energy

bill, and immediately proceed to a vote on passage as provided under the previous order.

I further ask consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly party luncheons.

I now ask unanimous consent that second-degree amendments be relevant to the first degree to which they are offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow the Senate will resume consideration of the Energy bill. Under a previous agreement, we will immediately proceed to a vote on the passage of that bill. Following the disposition of the Energy bill, the Senate will resume consideration of the Interior appropriations bill.

We have had a number of amendments offered to the bill, and we will begin working through those amendments tomorrow morning. Senators should expect votes in relation to amendments throughout the day tomorrow. It is our hope we will be able to move the bill to passage sometime during tomorrow's session. Following passage of the Interior appropriations bill, we expect to begin consideration of the Homeland Security appropriations bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Tuesday, June 28, 2005, at 9:45 a.m.