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Senate

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—Continued

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3045) to implement the Dominican Republic-Central America-United States Free Trade Agreement.

The PRESIDING OFFICER. There is 20 minutes evenly divided. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, CAFTA, the Central American Free Trade Agreement, is one more failed chapter in a book of trade failures. How deeper must the hole get before we understand we are in trouble? How many more Americans must lose their jobs, with manufacturing, engineering and, yes, more white-collar jobs going overseas, outsourced, before we understand we are in trouble?

We have the largest trade deficit in the history of this country, $2 billion a day every day, 7 days a week. This is unsustainable. Everybody in this room knows it.

When will we understand that the next trade agreement is one in which we ought to stand up for the economic interests of our country, stand up for the interests of American workers? Let's not be ashamed of believing that our interest is in this country's economic opportunity, supporting our workers, our manufacturers, our farmers. This trade agreement pulls the rug out from under our sugar beet growers, from under our farmers, pulls the rug out from under American workers one more time.

The House passed this bill by two votes last night. There is a 15-minute vote in the House. This one lasted well over an hour, while they were trying to get the rest of the votes. Let me describe what they had to do to get the votes, because this trade agreement is awful. It is bad for the country. It is going to pile debt on top of debt and make more American jobs disappear overseas. Here is what they said, from today's paper: The last-minute negotiations for Republican votes resembled the wheeling and dealing on a car lot. Republicans who were opposed or undecided were courted during hurried meetings in Capitol hallways, on the House floor, and at the White House. GOP leaders told their rank and file that if they wanted anything, now was the time to ask, lawmakers said, and members took advantage of the opportunity by requesting fundraising appearances by CHENEY and the restoration of the money for their programs. Lawmakers said many of the favors bestowed in exchange for votes will be tucked into the huge energy and highway bills Congress is scheduled to pass this week before leaving for the August recess.

Why do my colleagues think it was necessary to do what they did last night in the House to try to buy these votes with side deals and special deals and keeping the vote open for over an hour? Because this is a terrible agreement, and everybody knows it. When will we have the backbone to stand up for this country's economic interests? What will it take? How many more bad trade agreements? This isn't rocket science. This is our trade deficit. Year after year after year we are drowning in trade debt, and there is not one person on the floor of the Senate who wears a blue suit who is going to lose their job because of a bad trade agreement. It is working folks who lose their jobs, who find out their job left for China because they were making $11 an hour and the company can hire somebody for 30 cents an hour and work them 15 hours a day, 7 days a week. So the American people lose their jobs.

No politicians are going to lose their jobs. That is why they keep writing bad trade agreements. That is why the country is deeper in debt, the largest trade deficit in the history of this country. NAFTA, CAFTA, ''SHAFTA,'' GATT, you name it. With every single step we have taken with this trade strategy, the country has gone deeper into debt, and more Americans have found their jobs in peril. When, oh when, will it stop? Apparently not tonight.

Last night they bought CAFTA by two votes in the House. It passed by a slim margin in the Senate. But what this demonstrates to me is this Congress has not yet awakened to the reality of what it is doing to this country. Kids and grandkids wondering about their economic future will find they have less opportunity than their parents did. The one thing we all aspire to have happen always is that we want things better for our kids. We want to leave a place that is better for our children. That is not going to happen with these kinds of trade agreements in which we trade away American jobs, in which we decide that jobs that used to be performed by proud Americans to build products in this country are gone.

There is no social program in this Congress we deal with that is as important as a good job that pays well, with good benefits. That is the way people are able to take care of their families and pursue a career and have the opportunity to expand this great country of ours. Yes, we live in a global economy, we are told. It is a global economy, all right. The global economy has galloped along for the major corporations so they can produce where it is cheap and sell into this marketplace. But it is unsustainable. This won't last. The global economy has galloped along but without rules.

Now a corporation can decide to do business through a mailbox in the Bahamas. It can decide it wants to produce in China or Indonesia or Sri Lanka and hire people for 20 cents an hour and force them to work in unsafe plants. They can hire 12-year-olds to

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

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work 12 hours a day and pay them 12 cents an hour. All of that is just fine with this trade strategy.

It is not fine with this Senator. It is not fine at all. Because I understand where it takes this country. We will not long remain a world economic power without a first-class manufacturing capability. And our manufacturing base is shrinking dramatically. Why? Because major corporations have decided they don't want to produce here. Is it because our workers don't do well? Not at all. That is not what it is about. It is about corporate profits by hiring people to work for 30 cents an hour and then selling the product at 30-cents labor to the grocery stores or on the store shelves of Toledo and Fargo and Brainard, Minneapolis, Los Angeles, New York.

I am telling my colleagues, this will not work much longer. Yet this Congress acts completely deaf and blind to the realities of what has come from our recent trade agreements. The North American Free Trade Agreement was one of the last agreements. We had all these economists tell us how many jobs it was going to create in our country. The fact is, our country has lost massive numbers of jobs as a result of the North American Free Trade Agreement. That bad agreement turned a modest trade surplus with Mexico into a huge deficit, and turned a modest deficit with Canada into an even larger deficit. Yet people still say that agreement worked. That is total rubbish.

I hope the Senate will turn down this agreement. I know they have voted for it once before, but now is the time to have some backbone, some nerve, some will to turn down this bad trade agreement.

I yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, over the past two decades, Congress has voted again and again to open markets to exports from Central America. In 1983, 392 Members of the House and 90 Members of the Senate voted unilaterally to reduce tariffs on exports from Central America and the Caribbean. In 2000, 309 Members of the House and 77 Senators voted in favor of the Trade and Development Act which further unilaterally opened our markets to products from Central America and the Caribbean.

Today most imports from the region enter our market duty-free. In contrast—and the purpose of this legislation—our exports have faced and continue to face a myriad of tariffs and nontariff trade barriers into that region. Our products going that way, having tariffs and nontariff trade barriers, products coming this way to our country, no barriers. That is the status quo.

In 2005, with the Central American Free Trade Agreement, Congress has the opportunity to reduce tariff barriers to our exports going to these countries. You can see it is a very unfair situation. If we maintain the status quo, it is unfair to American workers, American manufacturers, the economy of America, because their imports come into our country duty-free. Meanwhile, our exports that go to those countries face tariff barriers of from 3 to 16 percent, some tariffs ranging as high as even 150 percent.

This agreement, finally, after about 20 years of our doing favors in that direction, levels the playing field for American workers, American farmers, and American manufacturers so we can sell our products in these countries.

This agreement takes a one-way street of trade and makes it a two-way street. It tears down unfair barriers to our agricultural exports and gives our farmers a chance to compete in a growing and vibrant market of over 40 million consumers.

A vote against CAFTA is a vote for the status quo. It is a vote to keep import duties duty free, but it also keeps tariff barriers to our export products high. If you vote that way, you are not voting for the American worker, you are not voting for the American farmer, you are not voting for the American manufacturer. You are voting for the status quo.

Well, that status quo is that the United States has been giving and giving for 20 years. This is our opportunity to get, to benefit our workers, to have a level playing field for trade—a two-way street for trade.

I don't see how anybody can justify not leveling the playing field for American exporters. That would end up creating jobs here in America.

Mr. KENNEDY. Mr. President, the Central American Free Trade Agreements ignores American workers, and ignores Central American workers, too. It ignores the labor injustices that still exist in those countries and it turns its back on American workers who continue to struggle to keep their jobs.

It did not have to be this way. We know how to negotiate free trade agreements to improve conditions for workers in other nations and level the playing field for American workers. We have done it before and we can do it again.

These Central American nations are important neighbors and partners to the United States. I have long supported their efforts towards progress since President Kennedy's Alliance for Progress. Continuing in that tradition, we owe it to our friends in Central America to ensure that proper labor protections are included and enforced.

The President abused his power and presented Congress and the American people with this take-it-or-leave-it plan, ignoring a strong bipartisan recommendation to assist displaced American workers. Congress had the opportunity to ask the President to meet that responsibility. Instead, partisan back room deals were made and the Republican Congress approved the agreement by a narrow majority in the Senate and a razor-thin majority in the House.

This Central American agreement is not free trade. It does not create a fair playing field for American workers. It fails to address the issues that we hear time and again are so important to them, and it does not deserve to pass.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me thank Chairman GRASSLEY for the fine work he has done on a very difficult issue. I will start from a different perspective than others might have concerning this agreement.

First of all, I have been leading the opposition to almost every multinational agreement that has come along. I have stood on the floor of the Senate for probably, collectively, 6 or 8 hours talking about how destructive the Kyoto agreement would be should we be a party to it. I have talked about the Law of the Sea Treaty. It was passed out of the Foreign Relations Committee unanimously and was ready for action when we found out what it was. I led the opposition, and we have not passed it yet. We would be losing our sovereignty to the U.N. on a lot of the areas of the sea and the air above it. This is something I have been active in for a long time.

In 1994, I had a very interesting experience. I was in the House of Representatives. I led the opposition to NAFTA at that time. Then I was elected to the Senate in a special election, and it came up in the Senate, and I led the opposition to NAFTA at that time. In Oklahoma, my State, I was the only Member of the House or Senate who opposed NAFTA.

I am here to say that this is not NAFTA. For those who use the argument that NAFTA was wrong and NAFTA should not have worked and, therefore, CAFTA is no good, they just don't know what they are talking about. CAFTA is totally different. I can recall standing on the Senate floor from this very desk saying if we support NAFTA and adopt it, we would have problems—transportation problems—where we would be allowing Mexican truckers to pick up a load in Brownsville, TX, and take it to Oklahoma City and not comply with our wage-an-hour requirements and environmental requirements, and all these things happened; they came true.

That is not what CAFTA is. We have two reasons we need to support CAFTA. One is what the Senator from Iowa talked about—the tariffs. I talked to my farmers, the Oklahoma Farm Bureau, and the Farmers Union, and showed them the tariffs they are paying right now, and what the other side is paying, and this is a win-win situation for our farmers. For example, for grains, we pay 10.6 percent; they pay nothing today; for vegetables, we pay 16.7 percent, they pay nothing; for wood products, we pay 10 percent, they

pay nothing. There is a long list—I can go on and on—of commodities and products where we are penalized and they are not.

Under this bill, we will level that playing field and allow farmers in Oklahoma to be on the same level as those other countries. The other reason—and I think this is very important—is the national security reason. I am ranking member on the Armed Services Committee. I can remember the days in Central America when President Reagan was our President, and then the first President Bush, when we gave freedoms and democracies to all those countries down in Central America.

We remember Daniel Ortega and the activities of the Sandinistas. Right now, we are in a position where we can either punish or reward our friends. These countries with whom we will be in an alliance are our friends. They are supporting us in Iraq and supporting us in everything we do. Those other countries are not supporting us. The Chavezes, the Ortegas, and the Castros are the ones starting to emerge again. Can you imagine, after what we went through with the Sandinistas in the 1980s, and we have Ortega running for President again? I am not about to reward him and give him what he wants, keeping us from having that trade.

If you want to know the kinds of people who are opposing CAFTA, I will read you a few: Earth Justice, Friends of the Earth, EnviroCitizen, Freedom Socialist Party, and the Social Welfare Action Alliance, and others like that.

The conservative groups supporting CAFTA are the American Conservative Union, Americans for Tax Reform, the Heritage Foundation, Competitive Enterprise Institute, Club for Growth, and it goes on and on.

This is an issue where we are on the right side not just for our farmers and for national security and our friends in Central America and South America, but also it is right for America.

I yield the floor.

The PRESIDING OFFICER. All time has expired but 25 seconds.

Mr. GRASSLEY. I yield that back.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 3045) was ordered to a third reading and was read the third time.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—56

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Feinstein	Murray
Bingaman	Frist	Nelson (FL)
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Pryor
Bunning	Hagel	Roberts
Burr	Hatch	Santorum
Cantwell	Hutchison	Sessions
Carper	Inhofe	Smith
Chafee	Isakson	Specter
Chambliss	Jeffords	Stevens
Coburn	Kyl	Sununu
Cochran	Lieberman	Talent
Coleman	Lincoln	Voinovich
Cornyn	Lott	Warner
DeMint	Lugar	Wyden
DeWine	Martinez	

NAYS—44

Akaka	Dorgan	Mikulski
Baucus	Durbin	Obama
Bayh	Enzi	Reed
Biden	Feingold	Reid
Boxer	Graham	Rockefeller
Burns	Harkin	Salazar
Byrd	Inouye	Sarbanes
Clinton	Johnson	Schumer
Collins	Kennedy	Shelby
Conrad	Kerry	Snowe
Corzine	Kohl	Stabenow
Craig	Landrieu	Thomas
Crapo	Lautenberg	Thune
Dayton	Leahy	Vitter
Dodd	Levin	

The bill (H.R. 3045) was passed.

ENERGY POLICY ACT OF 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report on H.R. 6, which the clerk will please report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to bill (H.R. 6), to ensure jobs for our future with secure, affordable, and reliable energy, have met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of July 27, 2005.)

The PRESIDING OFFICER. There will now be 3 hours of debate equally divided.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes.

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

Mr. DOMENICI. Mr. President, it is obvious that I am two things tonight. First, I am very happy and I am very tired. I do not know which one I am more of, but I am both. I am sure there are many who think differently than I. I hope in the Senate there is an overwhelming number who think as I do. There will be some who do not. But after 6 years of effort in the Senate, and for a time period going back about 15 years, we have not had an energy policy program of any significance for the United States of America. When I say 6 years, we have been struggling for 6 years to get a current one, and 4 of those years we have produced them and they have failed. I have not been part of all of that, but I left the Budget Committee, the Senate might recall, after many years, with 2 years remaining to be there. That would have made my 30th year on the Budget Committee, and I still would have been chairman. I left it because this would be a nice challenge, and I thought maybe during the 6 years, as chairman of this committee, I might be party to putting together a bill that might do something about America's energy future.

Everybody should know that the Senator from New Mexico knew that we would not do anything for tomorrow, nothing much. We would not have any answers for people who said, what are you going to do tomorrow morning or next week on the gasoline prices? But I did know that we had a chance of doing something that we could come to the floor and say within 5 to 10 years this bill will create jobs, job security, and clean energy.

Now, if that can be done in the complicated maze that we call the energy policy of the United States—and let me repeat, the reason that we can say to Americans that they have more jobs, they will have job security and have cleaner energy being produced, I almost asked, and I will, who could ask for anything more? I think that is a song or something, but who could ask for anything more?

So I start by saying I was very lucky today. I got a call from a reporter for the Albuquerque Tribune. I do not know him very well, but I speak to him occasionally, and I say to my friend from Tennessee, he asked me a neat question. He asked: Senator, people are talking about and maybe nitpicking this bill, and I want to ask you, what do you think things will look like in America with reference to energy 5 to 10 years from now?

That was a terrific question because it permitted me to open my remarks tonight the way I should have over the last couple of months. For once, the Congress is going to do something important from which we as a Nation will benefit, not tomorrow but in the next 5 to 10 years. Certainly, we will begin to feel it in a big way within the next 5 to 10 years. One might say therefore that we could have put most of it off, and we probably would have eked along and would have had some difficult times, but we could have said, it will work out. But what we have done is to make sure that where we have the power, we have done something to make it better.

I repeat, energy is the reason we have jobs. Energy is the reason we have warm homes, electricity, automobiles, everything we look at, humankind-made movement and activity, based on energy use.

That means it is pretty important that we do it somewhat right. Some

may say it will all work out. This is a great, powerful nation, everybody will wiggle and do this and do that and it will come out. Well, believe me, after a year and a half of learning, I think it would have been a real risk for America to say it will all work out.

What we have done is very complicated. It is a lot more than people speaking about gasoline prices tomorrow morning. It is a lot more than that.

So 5 to 10 years from now, we ought to look back and ask: Did this legislation make a real difference?

I am going to start by saying something nobody cares about when they lobby us, but I am going to say that we are going to use less energy per person, per adult, per unit of our economy, sometimes called GDP, because of the efficiency and conservation provisions here than we would have without it. That means simple things, believe it or not, in an energy bill, such as the appliances in our kitchens, the motors used in manufacturing plants, the buildings we live in, and the houses we live in will be far more efficient and use far less energy 5 to 10 years from now than today. For everything we use less of, we need to burn less coal or produce less energy or electricity or import oil less.

More of our electricity will come from renewable energy in 5 to 10 years, such as solar, biomass, wind, landfill gas, waste. All kinds of things that can produce energy in that manner will be coming on board or be on board.

We have streamlined the tax provisions. The licensing processes for clean technologies like geothermal have been streamlined so we will get whatever we have instead of letting it be tied up forever.

Then we are going to be making great strides toward reducing the carbon intensity of our economy. It is the carbon intensity of our economy that causes significant pollution, and for many it is a source of global warming.

My colleagues do not have to believe that to vote for this, but what I am saying is that for those who do—and I am one—this bill will move us forward so that 5 to 10 years from now we can be saying we may have technology that will go after that carbon. One will be new nuclear powerplants. I say to the Senator from Idaho, if a nuclear powerplant cannot be built in America after this bill is signed, then I think the Senator and I, who have been ardent, devoted fans, will say it cannot be done. I think the Senator will agree with that. Everything that can be done reasonably will be there. The uncertainties will be eliminated. That which frightens investors will be eliminated. The other things are all in place.

With reference to coal, we will have provided incentives and tax relief so that new technology will be developed to take carbon out of the coal that is burned and, yes, if we use the outside of my years, in 10 years we may, I say to the Senator from Tennessee, have found a way to sequester the carbon and indeed be on the way to being able to use our biggest resource, to wit, coal, without atmospheric damage, global damage, and with much cleaner effect. This bill might make that happen.

As I say, when people think of the Energy bill, they think of cars, automobiles, but the electricity grid of the country—how many people on our committee thought we were going to learn about the electricity grid, such as when eastern America went black, but we found out. We have a great electricity system.

When the blackout came, some people called this an ancient system. Some called it a one-horse system. No, it is the most refined. The problem is that the system was not tied together properly, and it did not have mandatory requirements for safety. So there were some good, some not so good. That transmission grid will be far more reliable because we have put on the grid owners mandatory standards for operating that grid. So I would say you will not have one of those after this bill gets implemented. That would have been good enough to pass a bill, but that is just a little part of the bill—one or two pages.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask unanimous consent for 5 additional minutes. I ask Senator BINGAMAN, would that be all right?

Mr. BINGAMAN. That is fine. Go ahead.

Mr. DOMENICI. In addition, we will be building new transmission to move electricity around the Nation. When I say ''we,'' don't think the Government is going to do it. We are just going to make sure we give the incentive to get it done. Transmission to move electricity around the Nation, where it is needed the most—that is going to make our consumption more efficient.

This bill repeals an ancient law. Some people wonder why it even mentioned it because it has a funny name and they would say what in the world does it have to do with energy, but it is called P-U-H-C-A, PUHCA. It is from the times when we had our Great Depression. It made it at least more difficult to get money invested in electricity and utility companies than it was in other enterprises. We have repealed that. We have made some provisions that mergers will not be damaged. But this should bring much more capital investment into the utility companies that make up this powerful institution, this entity called the grid of the United States.

Most of us are aware of another thing, which the distinguished Senator, a new Member of the Senate and a new member of the committee, the Senator from Tennessee, LAMAR ALEXANDER, has put much in the public eye when he introduced a bill about natural gas. One of our biggest problems, and we surely ought to be as worried about it as we are about the price of gasoline tomorrow, is our dependence upon imported natural gas. It is such a terrific product, from the standpoint of our ambient air, and it used to be so cheap, as everybody here knows. But what happened is we used it for everything. Now, as we get in trouble with global warming, everybody who builds a plant uses natural gas. Not that it does not produce some carbon, but far less. And the price goes up.

So it looks as if America, which is paying the highest price of any industrial nation in the world for natural gas, is about to put itself out of business. We could lose the fertilizer business, the plastics business, many manufacturing companies. They are already going overseas. People will come up here and blame free-trade agreements, or low pay overseas. That is not so. We do not have enough natural gas to keep the price steady or bring it down. We must have liquefied natural gas from overseas. It is terrible to admit it. I wish I were here saying we don't. We do. In the next 25 years we will have a crisis if that doesn't occur.

We have modernized, streamlined, eliminated unnecessary delays in the ports we will be bringing to America that will be the source of distributing LNG. We have eliminated the unnecessary delays. That is terrifically important. Of the five most important things, one might say that would be one of them because we might hit 8, 10, 12, 15—one study says 23—new ports will be needed to use LNG in inland America. In other words, you locate them and then the gas can be put into pipelines and delivered to America's users. We permitted that to be done with more dispatch.

For the first time, and we know this, since Americans began a love affair with the car, we are going to put in place an ethanol program.

I ask for 5 additional minutes.

People used to laugh at it. Let me put it this way. It is not too shabby, to put America's agricultural industry to work making fuel for vehicles. Some used to say that was foolish. It might have been when crude oil was $5 a barrel, or $10. But it certainly is a good investment when crude oil is this expensive because all you are doing is trading the investment in ethanol—plants, cement, steel, thousands of jobs, agricultural revitalization—every dollar you put in that is a dollar you didn't give to the Saudi Arabians or you didn't give to those who are selling us oil. You spent it here. We have a major new program, 7.5 million gallons mandated out here in the future. So that should be very helpful, in terms of jobs and helping with our importation.

We also gave significant credits for hybrid automobiles. I think we all know we had that. We doubled it. We know people want them now. But we still put it in, the tax writers put it in, and we hope the manufacturers will see the demand and get more on board quickly. We think that was a contribution.

I think overall we are going to try to produce as much of our energy domestically as possible. To do that we have streamlined the permitting processes where we can. For instance, the Senator from Colorado is on the Senate floor, and the Senators from Utah have been interested—we have a fantastic oil shale research and development program and provide leasing to see if we, one of these days, could implement the abundant oil resources from oil shale. Nobody knows if we could ever work that economically. If we could, we would not need any imported oil. We have more oil locked up in oil shale than America would use over 200 years. We just have to find a way to convert it. We are close. We are going to push that.

We are deeply divided on global climate change. We have had a couple of votes. I will not go through them. But the legislation we are doing, while it does not address a global warming tax, will do more to develop and deploy a new generation of clean technology that will make our consumption cleaner and more environmentally friendly. If we ever do achieve a limit—say that, make the limit there—we may, indeed, have ready the technologies that could do it. Right now we are just saying, Do it. That is why Senator CRAIG gets up and says, How? Right? I am speaking for him—but how? Put everybody out of business?

No. New technology we are going to try to get developed will clean the coal—take the carbon out of it, I should say. These are the kinds of things that are in this 1,200-page document.

I want to close. I am a pretty experienced fellow around here. I want to say that I have never worked in the process on a difficult bill where there has been more openness and inclusiveness in my 32 years. Every step of this process this Senator has worked with the other Senator from New Mexico to ensure that we have a bipartisan bill.

That doesn't mean that Senator BINGAMAN likes every provision. It doesn't mean that I like every provision. But nobody can say that anything was done in one closed back room, shoved down anybody's throat, or done without staff, excellent staff, on both sides working on it. I am thankful. Because of that, Senator REID joined our leader and let us get this bill to the floor.

We took 2 weeks. Heretofore we took 6 weeks, and still had 200 amendments left. We didn't get a bill, a real bill.

Believe it or not, Representatives DINGELL and BARTON met. Ourselves, we spent 20-plus hours as a foursome. Then we had 3 days, 5 open days of conference meetings with amendments being offered. Every conferee could offer amendments. They were voted on, some won, some lost—honestly most lost, but that is the way it is. They voted.

The last of those conferences ended a couple of nights ago at 2:30 in the morning. I probably was more tired then than now, obviously. Maybe not as happy because I didn't know the product. But I think I know the product now. It is finished. It is a good product. It should pass overwhelmingly.

I urge Senators to consider that this bill, and the future that it envisions, far outstrips anyone's individual parochial concern. I hate to say that because nobody is going to say that is why they vote against it. Nobody is going to say I didn't get some project or some one theme. But I think if you are looking at what might be good down the line—which maybe we ought to do more of—you ought to vote for this.

One last comment. There will be a point of order made, and tonight I am going to say while everybody is around, or a few are: You heard a lot of numbers about what this bill costs. Please understand the point of order has to do with none of that. The point of order has to do with a simple thing. This committee was given $2 billion to spend, in direct spending, nonappropriated money. When all the work was done we estimated it was $2.2 billion—two billion two hundred million—not billion—$200 million. You know, the budget is hundreds of billions. This is $200 million. I don't even know why a point of order should be made.

I am going to cheat and tell you, sometimes when I was budget chairman we rounded numbers to 100. I am confessing that belatedly. Maybe we would have rounded this one to 200. Anyway, that is what we are going to vote on. I hope, even if you are against the bill, you will let us vote whether or not the country should have this.

With that, I thank the Senate, thank the Chair, and most important, thank the Senators here. For the Republican Senators, as soon as Senator BINGAMAN is through I will start allocating on our side 5, 7 minutes, whatever you each would like. Senator BINGAMAN will use what he wants and allocate the rest. He has one Senator. We will stay as long as you like.

Thank you all for listening.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me say how pleased I am that we are able to bring back to the Senate a conference report on energy policy that is truly a bipartisan consensus document. This bipartisan consensus had its beginnings earlier this year in our committee, the Senate Energy and Natural Resources Committee, where the chairman, Senator DOMENICI, my colleague from New Mexico, reached out to those of us on the Democratic side and pledged to work in good faith to bring to the Senate a comprehensive Energy bill.

We readily accepted that invitation and we had a very open and bipartisan committee process. The result of that process was a bill that was recommended to the Senate by the Committee on Energy and Natural Resources by a vote of 21 to 1. On the floor of the Senate when this bill was first being considered, we continued to work together in that open and bipartisan process. The result was that the Senate as a whole passed the Energy bill by a margin of 85 to 12.

In conference, my colleague from New Mexico, Senator DOMENICI, was adamant that we use an open and a bipartisan process there as well, and include House Democratic Members and staff who had not been included in the past in that same process.

I congratulate Senator DOMENICI on the passage of the resolution that we adopted earlier this evening to designate this the Domenici Energy Policy Act of 2005. He successfully persuaded the chairman of our conference, Congressman JOE BARTON, of the wisdom of proceeding in an open and bipartisan manner, and it proved to work very well. The bipartisan and bicameral conference committee staff was able, in short order, to resolve many of the technical issues that are so important to get right in this complex area of legislation. As they encountered issues that were unresolvable by the staff and needed guidance from members, Chairmen BARTON and DOMENICI and Ranking Member DINGELL and I were able to work together to forge compromises that we thought could be recommended to the entire conference. Those compromises, in fact, were embraced in almost all cases by our respective colleagues.

The result was a conference report that was signed by 13 of the 14 Senate conferees. That conference report is 1,724 pages in length. I do not think you can judge the quality of legislation by the size of it, but I do think the size of it indicates the comprehensiveness of this legislation and the complexity of it. The conference report was adopted earlier today in the House of Representatives with 75 House Democrats voting for the legislation, led by Congressman JOHN DINGELL.

Most of us came away from the conference with many provisions that we were happy to have in the final conference report and some provisions that we reluctantly had to give up on. I, for example, am very sorry that the bill before us does not contain the renewable portfolio standard which would require utilities to produce a percentage of their electricity from renewable sources. I know Chairman BARTON is disappointed that he was not able to get a number of his priorities agreed to in the conference. But the nature of a good conference is that it is a give and take and not everything ultimately can be agreed to. So compromise is the order of the day.

The result of this conference is a bill that has many more bright spots than flaws and a bill that deserves passage by the Senate and the signature of the President. I will mention a number of the bright spots, and then I will acknowledge some of the flaws and gaps

that are contained in the conference report.

The conference report has strong provisions for increasing energy supplies from a number of sources. As I have often said, increased domestic energy production is one of the four key elements of sound energy policy. We have good provisions for producing oil and gas in an environmentally responsible way, for unlocking the untapped energy potential on Indian lands, for relicensing of hydroelectric dams, for improving geothermal leasing on Federal lands, and for opening a path to renewable resources in offshore environments. We are making a major push in the area of energy from coal toward new technologies that have better environmental characteristics and that will be adaptable to a future in which we may want to capture and sequester carbon dioxide.

The conference report has strong provisions for increasing energy efficiency. Over a dozen new appliance efficiency standards are called for under this act. The Federal Government's own energy efficiency will be enhanced through the strengthening of the Federal Energy Management Program and through extension of authority to enter into energy-saving performance contracts.

The conference report expands authorizations both for the Low Income Home Energy Assistance Program and weatherization and State energy programs.

The conference report has perhaps some of the strongest provisions in the area of protection of energy consumers. Both the electricity and natural gas provisions of the conference report contain broad new provisions to ensure market transparency and to prohibit market manipulation. In the area of electric utility mergers, we have expanded the jurisdiction of the Federal Energy Regulatory Commission over mergers involving existing generation plants; that is, plants that are in existence at the time the merger takes place. We have also created new requirements in the Federal Power Act for special scrutiny for possible cross subsidization as a result of mergers. Before the Federal Energy Regulatory Commission can approve a merger, it must find that any possible cross subsidization is actually consistent with the public interest, which I think will prove to be both a flexible and a strong protection for ratepayers and for workers and for other persons who should be protected if we are being consistent with the public interest.

The conference report authorizes a broad range of research and development and demonstration and deployment activities for new energy technologies that will help us toward our energy future. It couples them with energy tax incentives and a comprehensive new approach to loan guarantees at the Department that will help these technologies over the final threshold into commercialization. This latter part of the bill is a particular accomplishment of Chairman DOMENICI that I think will pay off in this country for years to come.

The conference report also will result in major changes in our national slate of transportation fuels. It requires that we reach a target of 7.5 billion gallons of renewable fuels by 2012. It sets a path forward for the development and commercial introduction of ethanol made from cellulosic biomass which promises to have a profound impact on our ability to manufacture and use renewable fuels in the future. Our work on fuels and fuel additives in this conference report is not complicated by the issue of developing safe harbors for product liability claims for any fuel additive, whether ethanol or MTBE. Resolving this dispute involved including a provision that, when it first appeared in the publicly released base text of the conference report, caused some confusion. I know that some Members may want to address this issue in this debate. The best explanation, though, of the intent of this provision was given by Chairman BARTON himself in the course of the final public meeting of the Energy bill conference Monday night. He did it in the course of an exchange with Congressman BART STUPAK of Michigan, who was about to offer a clarifying amendment to this provision in the conference report. Based on the understanding conveyed in that exchange, Congressman STUPAK decided that he did not need to offer his intended amendment.

Since that exchange was crucial to how this provision was dealt with in conference, I ask unanimous consent that the transcript of that exchange be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, there is much more that I could say on behalf of the energy conference report that is before us, but I want to allow time for others to speak as well. It is worth acknowledging that in the process of conferencing with the House, we had to yield to their strong demands and desires in a few areas. Some of those provisions, in my view, were misguided. They include some weakening of environmental laws and some additional subsidies to energy industries that are probably unnecessary. I am sure that some of my colleagues will explore those problems in more detail. But these flaws, serious as they are, do not, in my opinion, lead to a conclusion that this bill should not be enacted. On balance, this is a good bill for the country and the best Energy bill this Congress is going to produce. We should enact it into law.

To the extent that there are gaps in the bill, that there are subjects that we should have covered and have not adequately covered, we need to look to the future. It has taken Congress over 4 years to craft this Energy bill. The Energy bill prior to that was the Energy Policy Act of 1992, passed 13 years ago. When we complete this bill, I don't believe we have the luxury of waiting another 13 years to pass the next Energy bill. The energy security needs of this country that are not addressed in this bill will not wait for another decade for attention. The threats posed by our dependence on oil imports or by global warming will continue to face us and will continue to grow as issues. This bill does maintain and increase our investment on a range of clean energy sources, but it does not contain a critical mechanism that was contained in the Senate Energy bill; that is, the renewable portfolio standard that I referred to earlier.

This bill has positive and helpful measures to increase domestic refining, but consumers will still face burdens at the gas pump. There is critical work to be done on these issues, but I believe the positive message coming out of this bill is that we have developed a truly bipartisan way to move forward on those issues in the Senate and the House of Representatives. I think that I speak both for myself and for my colleague who is chairman of the Committee on Energy and Natural Resources in saying that we intend to work together both in the short term and in the long term to address the issues that need additional attention in this general legislation. He has my pledge to continue to work in this Congress to advance the ball and to get to a finish line on proposals that we could not achieve closure on in the context of this bill.

Let me just mention three of those. First, flexible mandatory measures to address global warming. We had an excellent hearing which Chairman DOMENICI chaired in the Energy Committee. In fact, during the time that this bill was being considered in conference, time was taken out to have this hearing on the issue of global warming. I believe it was a very useful hearing. Chairman DOMENICI stated that it was the first of several that we may be able to have to better understand that issue and see if a consensus can be reached on a path forward in dealing with it.

Second, doing more to tap the potential of renewable energy. Again, I believe that more can be done there, and I hope we can revisit that issue before this Congress adjourns.

Third, we need to continue to focus on oil savings. The United States imports more than 65 percent of our oil, and the Energy bill will not reduce those imports significantly. Reducing oil consumption will make us less dependent on foreign oil and ultimately save Americans money at the gas pump. Although the oil savings approach that we took in the Senate bill did not win acceptance by the House of Representatives, that is a concept that continues to hold promise as a way of addressing the problem, and we need to

revisit that issue in legislation, in my view, as soon as we possibly can.

We worked hard to create the Energy bill compromise before us today. We should enact that compromise and move forward aggressively to ensure that it is implemented rapidly by the executive branch of our Government. If there are negative consequences to what we have enacted, then we can document those and work to correct those errors. If there are topics we need to address more effectively, then we certainly can do that.

Again, I congratulate my friend and colleague on his accomplishment. But securing our energy future in some sense is a job that is never done. I look forward after we have had time to rest and reflect on what has been done to again begin the effort to address policies that will increase our energy security, reduce our dependence on foreign oil, provide for more use of clean energy, lower gas prices, and deal with the emissions that are leading to global warming.

Again, I congratulate my colleague and all members of the conference and all Members of the Senate for the constructive approach they have taken to the development of this legislation.

At this point, I yield the floor.

EXHIBIT 1

Chairman BARTON. Are there other amendments from the House conferees to Title XV? Mr. Stupak.

Mr. STUPAK. Thank you, Mr. Chairman. I have an amendment at the desk, but if I may, before I offer it, I would like to ask you, as chairman, a couple questions on Section 1504, if I may?

Chairman BARTON. The gentleman is recognized.

Mr. STUPAK. Mr. Chairman, I would like to thank you for your willingness to come to a consensus on the MTBE. I know it has been a difficult couple days, and I am trying to get this thing resolved and I——

Chairman BARTON. Well, I am not consenting, I am just admitting that I don't have the votes in the Senate.

Mr. STUPAK. Well, your willingness to work with the conference committee.

Chairman BARTON. I know when to fold them and this is one time you got to fold them. So what was the question?

Mr. STUPAK. Well, in light of that, Mr. Chairman, I just want to be clear about one of the compromise provisions that's been inserted into the amendment and this is Section 1504, called Claims Filed After Enactment. Can the chairman clarify for us what this language means and is intended to do, this Section 1504?

Chairman BARTON. If you will suspend just briefly.

Mr. STUPAK. Yes, sir.

Chairman BARTON. The Section 1504 is a negotiated section between the House and the Senate, that in lieu of the base text language in the House bill on MTBE, we put in a section that is permissive, that for prospective claims, defendants may request that they be consolidated in a Federal court as opposed to a State court. It is a permissive, not mandatory, thing.

Mr. STUPAK. So in that case, then it can remain in the State courts. So this provision does not in any way give the Federal courts a new subject jurisdiction over MTBE cases?

Chairman BARTON. The base text that's before the conferees, on existing MTBE lawsuits, changes nothing on prospective MTBE lawsuits, that is, lawsuits that have not yet been filed.

Mr. STUPAK. Correct.

Chairman BARTON. It gives the defendant in the lawsuit, the prospective lawsuit, if it were to be filed, the right to request that the lawsuit be sent to a Federal court.

Mr. STUPAK. Or it could remain the State court if——

Chairman BARTON. Well, it just gives them right to request it. Now I am not an attorney, so I am not—but that's what the section does.

Mr. STUPAK. I just want to make sure that the Federal courts don't have an exclusive right to try these cases and it is my understanding they would not, based upon——

Chairman BARTON. Well, of the existing cases that have already been filed, they are in the hundreds, all but 12 are in Federal court.

Mr. STUPAK. Correct.

Chairman BARTON. They are 12 that are in State court.

Mr. STUPAK. So it is really——

Chairman BARTON. I don't think this section is unduly restrictive or adverse to the current situation.

Mr. STUPAK. So Section 1504, then, is it fair to say, gives those involved in future MTBE litigation or disputes, the discretionary ability to remove their case to Federal court?

Chairman BARTON. No, it gives them the right to request it.

Mr. STUPAK. Okay.

Chairman BARTON. That's all.

Mr. STUPAK. Discretionary. They don't have to. It is within their discretion to go to Federal court, if the defendants so choose.

Chairman BARTON. That's correct.

Mr. STUPAK. And then it is up to the judge whether or not the case is properly there or remanded back to State court?

Chairman BARTON. That's my understanding.

Mr. STUPAK. So we are not conferring a new substantive or subject matter jurisdiction over these cases?

Chairman BARTON. Not to my knowledge.

Mr. STUPAK. Thank you, Mr. Chairman. With that, I will not offer my amendment.

Chairman BARTON. We appreciate the gentleman.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I know Senator KERRY wants to speak, but I would like to ask that we may have time to arrange all of this right now. My next speaker is Senator CRAIG. I would like to yield 5 minutes to him and then we go to somebody on your side.

Mr. BINGAMAN. Senator KERRY will be the first Senator on this side, followed by Senator WYDEN. So why don't we go back and forth, if that is acceptable.

Mr. DOMENICI. I might ask the Democrat side, since we have two Senators with 5 minutes each, would it be fair to say we go back and forth with 5 minutes?

Mr. KERRY. Under the order, I have 30, and I intend to use it.

Mr. DOMENICI. You have 30.

Mr. WYDEN. I have 15 under the agreement.

Mr. KERRY. I don't want to be limited to 5 minutes.

Mr. DOMENICI. I am not going to limit you. You have an order. I am just talking about sequence.

Mr. KERRY. I thought you said limited to 5 minutes.

Mr. DOMENICI. I did. I am wrong, so I am telling you you have 30; you are going to get 30. It is just a question of when.

Mr. KERRY. I am happy to go back and forth. That is the way we have always done it.

The PRESIDING OFFICER. The Chair will advise under the previous order as the Chair recollects it, the Democratic side set up specific times for their members while on the Republican side 90 minutes was allocated but not allocated in any definitive way.

Mr. DOMENICI. So what we are saying is the Senator from New Mexico can speak for 90 minutes. I don't want to do that. I want to let my Senators speak, so I would like to change that. If we don't change it, I will speak for 90 minutes.

Mr. CRAIG. The Senator was to allocate 90.

Mr. DOMENICI. I know I was. I would like to allocate if I could. If Senator KERRY is going to speak 30 minutes, I would like to have Senator CRAIG and Senator THOMAS speak for 5 minutes each. That is 10 minutes. And then we go to Senator KERRY for his 30. Then we come back to Senator ALEXANDER for his 5, and then we go back to Senator WYDEN for as long as he would like.

Mr. WYDEN. That will be very adequate. I thank the Senator.

Mr. DOMENICI. Is that fair enough, Senators?

Mr. WYDEN. Yes.

Mr. DOMENICI. Fair enough. Thank you. I yield the floor.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, I think all of us stand here tonight happy that a work product is before us, and it would be remiss of me not to congratulate both of the Senators from New Mexico but clearly to recognize Senator DOMENICI for his chairing of the Energy Committee here in the Senate and the work he and Senator BINGAMAN have done to operate in a bipartisan way to bring us to where we are tonight.

You have heard from both of these Senators, and they have spoken clearly about the substance of the conference report that is before us. I will not go into the detail of that substance.

At the outset, let me thank at least two of my staff members, George O'Connor and Corey McDaniel. Both of them have worked on these issues. George O'Connor has been with me literally all of these years as we have worked and struggled through the process. I thank them and thank the staff of the full committee for the tremendous effort at hand that has produced this important conference report.

In the 5-year struggle that many Members have been engaged in developing a comprehensive energy policy for this country, at times we thought it was for naught. We would bring it to the Senate, we would spend weeks voting on it, we would work with the

House, but we could not produce a final conference report.

That work was not for naught. In that process of the last 5 years, not only did we learn there were issues we simply could not arrive at a solution on, but over that 5 years there was a learning process for all of us and for all Americans on a variety of issues.

Senator DOMENICI spoke tonight of a new, comprehensive national policy to deal with nuclear energy and to bring it online. Five years ago we could not have accomplished what we accomplished in the last several months. Why? The public was not with us in general nor was there a growing realization that obviously did occur that the way to build new base load, to turn on the lights of America 10 years out, was with an existing technology while we worked on future technologies. And we wanted it to be clean. That new technology was an existing technology: It was nuclear.

Once again I believe the world is increasingly excited that America has decided to take a leadership role in the area of nuclear instead of to hide behind the politics of the issue, as we have as we have lost that leadership role over the last two decades. In our action here, comprehensive work has been done of a bipartisan character.

Senator DOMENICI also reminds me, as he should, he wrote a book on the issue, a book that is selling pretty well, but also a book that was part of that educational process that caused us, along with the critics of the issue, to begin to understand if we want clean energy, and we do, and we want abundant energy, and we must have it, under current technologies there is only one place to go to get it.

Clearly, we have incentivized that. The Senator from New Mexico is right. If you cannot begin to design and ultimately build new nuclear production facilities in this country, new electrical productions in this country fueled by nuclear reactors, then we will not get it done. But we will, and not only will we go through a new generation, we will go into new technologies. That is laid out in this bill. It is critically important.

So while we are working on the new, we also do something else. We realized the old must be renewed, and that was hydro. For the Pacific Northwest, it was critical. In the Energy Policy Act of the mid-1980s, we created a problem. We included everybody except the producer and said, You have a right to shape the new facility when it is relicensed, no matter what the cost and no matter what the demand, as long as it fits the environmental desire of the stakeholders involved. We could not get licensing completed.

It went on for years and years and cost hundreds of thousands, if not millions of dollars, and nothing got done. When it did get done, the production plant usually produced less than it had before. That is unacceptable when we see so many of our hydro facilities needing to be relicensed in the next 20 years. I and many others worked and we have what we believe is a new and better way to relicense our facilities with that clear recognition.

There are many key components in this critical legislation that, as both the Senators from New Mexico have said, put us back into the business of producing energy, clean energy, appropriate for our national needs, meeting the demands, creating jobs, and saying to our young people, there is a variety of abundant energy future for our country.

I applaud my colleagues for working with us in accomplishing what I believe to be a very comprehensive piece of work.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Mexico.

Mr. DOMENICI. I will yield very soon to Senators.

I make one observation and ask one question and then I will yield to my friend from Wyoming.

First, fellow Senators, Senator BINGAMAN mentioned something about renewables. I failed to mention, while we did not accept the Bingaman amendment, the tax portion of this bill allocates the largest percentage, largest piece of the tax incentives to renewables, to wind. Some did not like that. Some think it is great. One of the Senators is here and smiling. He did not like that. But that means as much wind energy as you can throw for the next 3 years, as much as you can manufacture and use, will be manufactured and used. Hopefully during that period of time Senator BINGAMAN can return and speak more to the issue of longevity and continuity.

I thank two people: Alex Flint, my staff director, and Bob Simon, the staff director of Senator BINGAMAN. It is fair to say they have become friends, too, just as my friend Senator BINGAMAN and I have.

With that, we have the order for the next hour or so. I will leave for a while and leave it to one of my friends. Senator MURKOWSKI is the last one, although we have not provided for her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. THOMAS. Mr. President, I will be short. It is a real honor to be here this evening to talk about the introduction of this bill, a bill for which we have waited a very long time, and worked a very long time. I thank the chairman and the ranking member. We worked very hard on this bill to get it into conference and worked very hard through conference.

Since we started formulating policy, we have worked on a number of issues. There have been changes. Many things have remained the same because the policies need to be the same. The issues are the same. We have had to move forward.

We still need a comprehensive policy. That is an important issue because now, as we read in the paper, there are questions as to why we are not going to affect the gas prices tomorrow or the day after. We are talking about down the road. We are talking about where we will be over a period of time. This is a policy. It is very important to remember and to understand as we talk about the changes that will eventually take place in the kind of energy we will use, in terms of renewables, in terms of alternatives. We will be moving there, but we are not there. Alternative energy creates now about 3 percent of what we use. It will be much higher than that, but it won't be higher than that next year or next month.

We have to make sure what we are using now for energy can continue to be maintained and that we will find new ways of dealing with the energy. For instance, that we can take coal, our largest fossil fuel resource, and find ways to use it in a more environmentally sound way, find ways to change the way it is moved, for hydrogen or synthetic diesel, and do that over time.

It is important we understand that we have to do two things: We have to look to the future about alternatives. We have to find ways to use what is available now to keep up production in this country and to keep our economy strong. We ought not to forget that is what we need to do.

This is a bill that is very balanced. That is important. It has already been talked about. I will not go into the details. We have talked about renewables. We have talked about ways we can renew—whether it is gasoline, ethanol, or opportunities for electric generation, whether nuclear or whatever—areas we can move to. That is very important over time.

We ought to talk about coal. We do here. We spend a good deal of money. By the way, we divide this total expenditure in about six equal ways between renewables, conservation, doing something to make coal more usable. There are six distinct areas spread in fairly equal amounts.

I will talk a second on coal. It is our largest fossil fuel resource. We have more of it for the future than any other energy. We need to find better ways to use that. Much of it will be generating electricity. Sometimes we do not think about where electricity comes from; we just think it is automatically there. It is not. We have to continue to do that. Coal is in one place; the need for electricity is in another. We need transmission. We have to have new transmission ideas and do things that are more efficient than they have been in the past. We need to find a way to make sure it is safe and secure.

The same thing is true with oil. We use oil a great deal. About 60 percent of it now is imported. We will continue to do that. Certainly over time we will find ways to get better mileage in

automobiles. It is not going to happen right away.

Of course, there will be some arguments that we should put some defined times when you have to get CAFE standards. It is very difficult to do that. But it will happen. It will happen in the marketplace. It will happen as we can do it. And we can do it efficiently. We have to find better ways to get more oil out of the ground. We produce a lot of oil in Wyoming. The old oilfields are about exhausted, but below that is a great deal more oil if we find different ways of doing that, if we use renewed production or carbon sequestration. And much of that is in this bill.

We do have conservation and efficiency, as we should have. We have opportunities to make the use of energy more clean and better environmentally. We have ideas for producing more production of our resources available now. And we need to do all of these things as quickly as possible, but we cannot do them overnight.

I urge passage of this bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 minutes.

Mr. KERRY. Mr. President, I wish the senior Senator from New Mexico were in the Senate because I wanted to say a few words to him personally as well as about him, but in his absence I will certainly say them.

In the Senate, we all have an ability, thank Heaven, to be able to separate the policy from personality and from the personal. I know how hard Senator DOMENICI has worked through the years. I know how committed he is personally to developing an energy policy. That goes, also, for the junior Senator from New Mexico, my friend Senator BINGAMAN, who has worked closely and diligently under difficult circumstances to try to deal with these energy issues.

On a personal level, I am genuinely happy for the Senator from New Mexico because I know this is a moment of completion for him, and on a personal level he is happy and he has worked hard to get there. All Members are gratified when a colleague has that kind of success. Nevertheless, on a policy level, I have enormous disagreements with where this bill has finally put the Senate and our country.

Our Nation's energy crisis has reached historic levels. What we need today is not a policy that puts enough good stuff in it that enough Senators will grab onto it and say: OK, I can vote for that bill. What we need is an energy policy that is as bold and big as the challenge is significant to the country. That is not, under any analysis, what we are getting in this bill.

This is, frankly, largely a lobbyist-driven bill. What underscores that is when you measure what is happening in this bill—as you must in making any decent policy for our country—when you measure this bill against families who are struggling to balance their checkbooks, who cannot pay easily the additional cost of gasoline, when you measure this bill against small businesses, which have had an enormous rise in the cost of doing business—just the cost of getting to and from the business, let alone the cost of trucks delivering goods to that business. There has been something like a $25 billion to $30 billion energy gas tax increase on businesses over the course of the last couple years. They are paying those additional costs.

We passed, in the Senate, an energy provision to be able to provide loans—not grants, not giveaways, but loans—to those businesses so that they might be able to adjust for the cash flow problems they have because of the increased cost of energy. The Senate passed it. The Senate passed it 3 years ago. But it was taken out in the conference.

Gone from this bill is any kind of emergency lending assistance to the small businesses of our country that are hard-pressed because of energy costs. Why? What is the reason for that? When you see our children breathing air already that is dangerously polluted, and you know the levels of asthma among children are increasing, and the greatest cause for the hospitalization of children in the summertime in America is an asthma attack, which is air-induced, and the quality of our air is not being cleaned as much as it was, as rapidly as it could be, nevertheless, you see us going backward with respect to the new source performance standards in air quality, when you read about rival nations that are rapidly moving ahead of the United States of America with respect to alternative energy technologies—and they are creating high-paying jobs by moving in that direction—but the United States is only moving incrementally, without a genuine commitment—and I will come to that in a minute—when you recognize that our dependence on foreign oil sees us sending $25 billion a year just to the Gulf States alone—Mr. President, $200,000 a minute, $13 million an hour, we send to those countries; And how much of that money falls into the hands of Hamas, al-Qaida—when you see what the complication of oil dependency does to the foreign policy of the United States as well as the health, economy, and security of our Nation, you have to ask yourself why we are not moving more rapidly to deal with these issues.

Senator DOMENICI said a moment ago this is the largest portion that has gone to renewables. Well, let me show my colleagues this pie chart, which simply contradicts that. That is not accurate. It may be a larger amount of money than it has been in the past, but of the money that is being put out in this bill, only 16 percent goes to renewables. And 10 percent goes to efficiency. That is a total, between them, of 26 percent going to renewables and efficiency. Mr. President, 37 percent alone, eclipsing renewables and eclipsing efficiency combined, is going to nuclear—going to nuclear.

When you add the combination of oil and gas, you have an enormous proportion of this bill's tax benefits and funding that is going to the status quo—the status quo—''same old same old'' energy policy of the United States, not to the creation of the new high-paying jobs, to clean air and to renewables and the kind of technologies we need. There is no explanation for that.

Mr. President, I voted for the Senate bill. I joined with colleagues, 85 of us, in sending a bill to the conference that had about a 50–50 split. I was not pleased with a 50–50 split. I thought we could have done better than that. Guess what. We are going backward in this bill. Why? What is the rationale? What is the policy rationale for having taken a Senate bill that had a larger amount of money going to renewables and alternatives, that passed with 85 votes, and here we are with a bill on the floor of the Senate that has a paltry 26 percent, only 16 percent going to renewables? If you ask the American people, the American people would overwhelmingly vote to do otherwise. But the Senate will not.

The conference committee takes a huge step backward in other places—for instance, the requirement that U.S. utilities generate 10 percent of their electricity from renewable sources by 2020, 15 years from now. We are trying to set a goal that just 10 percent of America's electricity is going to be produced from alternatives and renewables. We could achieve it. Other nations are moving to a much higher level of alternatives and renewables. Not the United States of America. We are going to do the ''same old same old.'' We are going to do the nuclear and do the oil and gas.

Well, most of our electricity actually is not oil-fired. It is either coal-fired or natural gas-fired. But the fact is that instead of setting a standard, which we had in the Senate—in the Senate bill, we said 10 percent of the electricity by 2020 will be from renewable sources—that is gone, taken out of the bill. Why? Because special interests on the House side demanded that happen.

As to language that recognized global warming, I remember how many Senators came to the floor, and they all embraced the language of global warming in a nonbinding resolution. They just said: We are going to deal with it, and this is important. Guess what. Even the nonbinding language that acknowledged the problem of global warming has been taken out. There is nothing in this legislation to deal with one of the single greatest environmental challenges on the face of this planet—nothing.

And how do you explain this next one? The United States uses about 19 million barrels of oil a day. We had a requirement in the Senate bill that we reduce oil consumption in America by 1 million barrels a day. Imagine that: We

were going to try to get 1 million out of 19 million. We were going to require that the country set a goal of reducing that dependency on oil. Gone. It has been taken out. Why? Why would we not want, as a nation, to set a goal of trying to reduce our dependency?

I guarantee you, Mr. President, we are going to be back here in the Senate facing real energy crises as we deal with the realities of what is going to happen in the world, with a China that is going to move to something like 13 million barrels of consumption on a daily basis from about 5 today. You have India that is going to go from about 2 million barrels up to 5 million barrels a day.

You are going to have some trillions of dollars that are going to continue to be exported abroad, and you will see more efforts by China and other countries to take the fruits of their oil and buy American companies. Is America going to be stronger for that?

I would like to know why, instead, billions of American tax dollars are not going to go to renewables and alternatives, but they are going to go into oil and gas. Let me make it clear. I support clean coal technology. I think it is important. It is one of the most vast resources of the United States, one of our biggest reserves. And it is absolutely technologically feasible for us to be able to burn coal more cleanly. We need to do that. I support our efforts to move in that direction.

But why, at the last minute, is there a $1.5 billion deal that goes to Halliburton? Halliburton, which is making billions of dollars off of Iraq, Halliburton, which is a hugely profitable company, is going to get $1.5 billion out of this instead of some of these other nascent technologies that are screaming for assistance.

Why is it that children are going to get weaker environmental protections, dirtier air and water? Is there any person in the Senate who has received mail from their constituents saying: Give me dirtier air for my kids. Give us dirtier water to drink. That is what you are getting. That is what this bill gives you.

Americans get no relief at the pump. And we are left more dependent on foreign oil than we are today. Imagine that. Here is an energy policy that people are going to come and celebrate. I can see the President's signing ceremony now. And he will go out and tell America how terrific it is going to be. But this does nothing to reduce American dependency on oil.

Let me make it clear. Don't take my word for it. The President's own economists say that oil imports will increase 85 percent by 2025 under this proposal. The President's own economists found—and I quote them—

> [C]hanges to production, consumption, imports, and prices are negligible [in this bill].

In other words, the very things we want to affect—prices, consumption, imports, production—are going to be negligibly affected by this bill.

You do not have to be an expert, you can be a kid in any classroom in America, in middle school or elementary, and know that if the United States of America only has 3 percent of the world's oil reserves—that is all we have in all of Alaska, underneath all of our national monuments, in all of our waters that are accessible to the United States. We have 3 percent of the world's oil reserves. Saudi Arabia alone has 65 percent of it. As I have said many times, and as this bill ignores, there is no possible way for the United States of America to build its security in the long term by drilling our way out of this crisis. We have to invent our way out of it. This bill barely scratches the surface of the kind of invention America is capable of and the kinds of opportunities we know of.

I heard the Senator a moment ago say we do not have the ability now to be able to do better in our automobiles. That is just not true. For a $200 expenditure, anybody could go out now and get their car converted to be able to go use ethanol fuel, biomass fuel. It is just that we do not do enough of it. Imagine what we could do for farmers across our Nation. Imagine what we could do with respect to the possibility of new jobs and new production facilities and delivery facilities and infrastructure. None of that is being adequately tapped with respect to this legislation.

All you have to do is look at what this bill does for the environment. There is in this bill an amendment to the Safe Drinking Water Act. Do you know what it does? It allows unregulated underground injection of chemicals during oil and gas development so that we threaten clean water. Did anybody in America say, I think it is a good idea for us to have chemicals put into the underground water supply in order to bring out oil and gas? Why would we exempt it from the standards we have applied to our Nation over the course of the last 30 years? The oil and gas industry is getting an exemption for their construction activities from compliance with the Clean Water Act. Why would you exempt construction activities from compliance with the Clean Water Act?

The Energy bill also requires an inventory of offshore oil and natural gas resources. That is supposed to pave the way for offshore drilling along America's coastlines, including areas off Florida's coastline, which is banned.

This Energy bill should have been a net plus for the environment. Instead, it goes backward.

Are there some positive provisions in this bill? Of course there are. I could stand up here and talk about the importance of clean coal technology. There are other things. I am encouraged by the strong, new standards and consumer protections in electricity. I am encouraged we finally authorized Energy Star. But the bottom line is, we did better in the Senate bill that went to the conference committee. We did better. And there is no policy rationale, no common sense in going backward from the standards that were set in that Senate bill.

The fact is, if we end our energy dependence on foreign oil, we strengthen our national security. If we lead the world in inventing new technologies, we create thousands of high-paying technology jobs. If we learn to tap clean energy sources, we preserve a clean environment for our families and for future generations. If we remove the burden of high gas prices, American consumers can spend elsewhere and give our economy the boost it needs.

This Energy bill does not take anywhere near the advantage that we had in the Senate bill or that we could have had even beyond the Senate bill.

I understand it is hard to get an Energy bill passed. We all understand the powers and the force of money in American politics and the lobbying that takes place. But we have a powerful opportunity to make a renewable electricity the standard in the United States. This bill ought to be increasing our electricity supply from renewables up to 20 percent of electricity from wind and solar and geothermal and biomass facilities by 2020. Instead there is nothing.

The renewable portfolio standard is a simple mechanism to diversify energy sources, to stabilize electricity prices, to reduce air pollution and other harmful environmental impacts of electricity generation. The fact is, this administration has even let the big old powerplants off the hook by reneging on the new source performance standards so that they don't have to live up to the higher standards as they put new technologies in place. The result is, Americans will have dirtier air than they would have had otherwise.

Second, we need to take serious steps to help the domestic auto manufacturers build the cars, trucks, and SUVs of the future. The market for hybrids is set to take off. Over the next 3 years, the number of hybrid models is going to increase to almost 20. By 2012, there could be possibly more than 50 models. These are representative of real potential volume and unbelievable value. If we don't build them, someone else is going to do it. The fact is, others are doing it more effectively and rapidly than we have. The global market for hybrids, by one estimate, could be as much as 4.5 million units by 2013, perhaps $65 billion alone in the United States. I believe we ought to put American ingenuity back into our vehicles. We ought to be encouraging, to a greater degree, the ability to transform that marketplace. That is why any Energy bill that we consider ought to have both manufacturer and consumer incentives that are adequate to help accelerate that transition. This bill doesn't.

Third, Congress can't responsibly continue to ignore the global climate change issue. Higher temperatures

threaten serious consequences. I met the other day with our top experts from NASA. How many Senators realize that it is now not a question of whether; it is a certainty. Nothing we do today is going to stop this. To show you how far behind the curve we are, it is a certainty that the Arctic ice sheet is going to melt. If the Arctic ice sheet melts completely, that exposes the Greenland sheet. Nobody can tell you with certainty what is going to happen to Greenland. But any policymaker ought to stop and shiver at the prospect that it is a certainty the Arctic ice sheet will melt. The Greenland ice sheet will be exposed. And if it were to melt, with catastrophic consequences, say goodbye to Florida, goodbye to the port of Boston, and New York, and a bunch of other places. That would be a catastrophic event. There is nothing in this bill that tries adequately to deal with that reality.

What is going to happen with respect to drought, disease, floods, lost ecosystems? And from sweltering heat to rising seas, global warming effects have already begun. Sit down with the top scientists. Sit down with Nobel Prize winners and listen to them tell you about the certainty of what is already happening, not a matter of scientific speculation. The seas are rising. It is getting warmer. They will tell you what is happening. This bill doesn't deal with it.

We tried, on this bill, to pass an economywide cap-and-trade bill, a bill that uses the marketplace to be able to work effectively. Didn't get enough votes. The compromise was, they passed the language that didn't require anything, and they even took out of this bill the language that didn't require anything. This is the most obtuse, head-in-the-sand ostrich policy I have ever seen in my life. A bunch of responsible people in the Senate and House of Representatives, ignoring scientists all across the globe, turning their backs on foreign ministers, trade ministers, environmental ministers, prime ministers, presidents of countries, all of whom have embraced, at political risk, the reality of that science, and only the United States of America stands apart and alone, ignoring that reality. Where is the leadership?

Fourth, to ensure that technologies capable of providing clean, secure, and affordable energy become available in the timeframe and on a scale needed, we need to dramatically increase our commitment to research and development. I am in favor of advancing the research on nuclear waste and on third-generation, fourth-generation nuclear capacity. A lot of people in my party are not, a lot of environmentalists aren't. I think it is responsible to do that. But it is not responsible to go rushing headlong with the greatest proportion of technology alternative here, without having dealt with those issues and dealt with the American public in a responsible way with respect to that.

I think the bill ought to include provisions to dramatically increase Federal Government funding for new energy research and development, increased incentives for private sector energy research and development, and expanded investment in cooperative international R&D initiatives. It does not.

Maybe most important of all, we need to attack our energy crisis with the same intensity that we showed under the leadership of Franklin Roosevelt and Harry Truman when we undertook the Manhattan Project or, subsequently, when we did the space program and the Apollo program. Our competitors are showing that kind of urgency. Prime Minister Blair has been fighting hard to get the G8 to come together. He had to back off because of American pressure. We pushed backward, not forward. Great Britain wants to do almost 100 percent of its electricity from wind power over the course of the next years. Other countries are moving to 80 or 90 percent goals of biomass for fuels. Not the United States of America, despite so many farmers who are desperately waiting for that marketplace to exist.

In Germany, where heating is a huge drain on energy, a new law sets the standard of a house designed to use just 7 liters of oil to heat 1 square meter for a year. A new national campaign in Japan urges replacement of older appliances with new hybrid products as part of their nationwide effort to save energy and fight global warming. In Singapore, air-conditioning is a big drain on energy. So new codes encourage the use of heated blocking window films and hookups to neighborhood cooling systems which chill water overnight. Other countries are way ahead of the United States of America in exploring these possibilities.

In Hong Kong, an intelligent elevator system uses computers to minimize unnecessary stops and minimize, therefore, unnecessary use of energy. If these nations can reduce their dependence on foreign oil and invest in advanced energy technology, surely the United States of America can do better than this paltry 16 percent renewables and 10 percent efficiency.

Their urgency is more than justified because, frankly, this goes way beyond our economy. Energy is a legitimate and central global security issue. The era when the United States and Japan comprised the bulk of the world's demand for oil is over. Oil consumption from developing Asian nations will more than double in the next 25 years, from 15 million to 32 million barrels a day. We only have 3 percent, as I said earlier. There is no way the United States is going to be part of that bargain. The way the United States can be part of that future is by creating those alternative sources and gaining our independence.

Chinese consumption is going to grow from 5 million to nearly 13 million barrels a day. India is going from 2 to 5 million barrels per day. This global race for oil is potentially a devastating, destabilizing force, certainly a challenge to the security of our country.

We are going to be back here on the floor of the Senate in a short period of time lamenting that we didn't do more now. Increased American energy dependence further entangles also our Nation in these areas of the world. You look at our troops now. This is not good for our troops. In recent years, U.S. forces had to help protect a pipeline in Colombia. Our military had to train indigenous forces to protect a pipeline in Georgia. We plan to spend $100 million on a special network of police officers and special forces to guard oil facilities around the Caspian Sea and continue to search for bases in Africa so we can protect oil facilities there. Our Navy patrolled tanker routes in the Indian Ocean, South China Sea, and the western Pacific. The reality is that we have to protect oil at risk to our troops and at cost to Americans to protect our way of life because we are not working the way we could to provide an alternative to that.

This is a serious issue with real consequences. In the spring of 2004, insurgents attacked an Iraqi oil platform. There was violence against oil workers in Nigeria. The result was depressed global oil output and record high gasoline prices. The United States is now on a course where we are opening a target to terrorists. The more you rely on oil, the more disruptive it becomes to your economy, the more it becomes a target to terror, rather than growing it here at home.

If anyone needs an example of how energy dependence can shortchange national security, you can look at the war on terror. Let's assume that oil were to miraculously drop to $30 a barrel over the next 25 years. The United States will send over $3 trillion out of the country, much of it to regimes that don't share our values. Today, America spends these enormous amounts. About $25 billion a year goes to Persian Gulf imports alone. It is bad enough to think that those dollars aren't going to stay here and help grow our economy. But it is worse to consider that they empower, in many cases, some of the most extreme elements in the world to be able to take advantage of that richness. The fact is the madrassas in many of these countries and the deals that have been cut in regimes like Saudi Arabia between those extremists are part of what has provided the recruitment and destabilization with respect to the violent extremists of the world today.

We know that al-Qaida has relied on prominent Saudi Arabians for financing. The fact is that the bottom line of this policy is, it works for Saudi Arabia. It works for oil and gas companies. But in the long run, this is not going to be what the American people need or want.

Americans deserve better, and they also deserve the truth. We had a debate

on the floor of the Senate on an Energy bill, during which we were debating efficiencies. This administration delayed an EPA report that slammed fuel economy. It didn't allow the report to come out until after the bill had passed.

Washington failed the American people with respect to an opportunity to provide both the economic, health and security and energy policy that this Nation so desperately needs. My hope is that as much as there are some good things in this bill, the Senate at some point will come back and get the real job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, the legislation that the Senator from Massachusetts described bears very little resemblance to the legislation I have been working on for the last couple of years with Senators DOMENICI and BINGAMAN and that 13 out of the 14 Senate conferees of both parties just approved.

Let me say what I believe we did and then spend a minute, at the end of my 5 minutes, correcting a couple of things the Senator from Massachusetts said.

Energy is not usually what we talk about at the dinner table, but it is today. For example, in Tennessee, if you are working at International Paper in Memphis or at Eastman Chemical in east Tennessee, you know that if the price of natural gas stays as high as it is today, the highest in the world, those jobs are going to move overseas. And those are thousands of jobs in Tennessee and millions of blue-collar jobs in America. If you are a farmer and you know that the natural gas price stays as high as it is today, you know you are going to have a big pay cut because of the cost of fertilizer. And if you are a homeowner, you know the bills are up.

The first thing this legislation does is to take significant steps to stabilize the price of natural gas and hopefully bring it down. That is worth talking about at the dinner table.

The second thing it does is to change the way we produce electricity so that it is by low-carbon and no-carbon means. That is worth talking about at the dinner table because it helps deal with global warming, and it helps deal with clean air. The third thing it does is begin a long-term switch from a dependence on oil, especially foreign oil. That is worth talking about because of our national security. Does it really do that? I would submit that it does. To begin with, the conservation and efficiency provisions in this bill will save the building of 50 major powerplants over the next 20 years. That is the first and most important thing we should do.

The second thing it does is to focus on accelerated investment and research for the next generation of nuclear power.

If you really care about global warming, you want to support nuclear power because 70 percent of our carbon-free electricity in America today comes from electricity generated by nuclear powerplants.

The third thing it does is to adopt a strategy that the Natural Resources Defense Council and many others have urged on us, which is to explore seriously making gas from coal and turning that into electricity and taking the carbon out and putting it into the ground.

The fourth thing it does is to create new supplies of natural gas to begin to lower the price of gas and further produce clean air.

Mr. President, that is really the way to address global warming. That is really the way to reduce the price of natural gas. That is a serious policy to change the way we produce electricity so it is low carbon/no carbon—conservation and efficiency, nuclear power, coal gasification, carbon sequestration, and new supplies of natural gas. And then, for the long term, a focus on hydrogen fuel cell economy, but that is several years away.

The Senator from Massachusetts talked passionately about renewable energy. We all hope we can expand renewable energy. I fought very hard and I am glad to see in this legislation, for the first time, a carve-out for solar power, which was getting nothing from our renewable tax credit. But how much are we going to spend on energy that produces 2 percent of the electricity we use?

If you look at the figures in terms of the tax incentives in the bill, the Senator from Massachusetts didn't multiply very well because we spend 20 percent of the money on renewable. That is for 2 percent of the electricity. We spend 18.6 percent on energy efficiency and conservation. Most of us wish that were more. We spend 18 percent of the money on oil and gas production. That is 40 percent of our energy. Of the amount we spend on electric reliability, we spend $400 million of that for clean energy renewable bonds. That is renewable. We spend 20 percent on clean coal.

Mr. President, if anything, I think we are overspending on renewable. We have committed of taxpayers' money $3 billion over the next 5 years building giant windmills with flashing red lights. The Senator from Massachusetts may want a national windmill policy. That is for a desert island. For the United States, we need a serious clean energy policy, and that is this bill. So I congratulate Senator DOMENICI and Senator BINGAMAN. I am proud of this bill and I hope we adopt it.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, sometimes the test of legislation in the Senate is did we do less harm than good. Some might say, by that test, this Energy bill is worth voting for. I will tell you that test is not good enough when America is at war and our dependence upon foreign oil is putting our citizens at risk each and every day.

The test in the Senate that, well, maybe this legislation has some good is unacceptable when there is a rare opportunity and a rare obligation to avoid the terrifying human costs of future wars. In those rare instances, the test in the Senate should be did Congress meet its obligations. I have concluded that in this energy bill we have not.

Our dependence on foreign oil will not be reduced as a result of this legislation. As a result, we have not reduced the prospect of going to war once again in the Persian Gulf in the next decade. I do not understand how we will explain to every man and woman who fights so courageously in Iraq and Afghanistan, or how to explain to every veteran who fought in the Persian Gulf in the last decade, how we failed to meet our obligation to avoid future wars.

For this reason, I want to express a deep regret to those soldiers and veterans because your children are now no less likely to be asked to fight a very similar war. I want to express a deep regret to the families of those soldiers and veterans because their children may someday face the very same burdens. I want to express a deep regret to the American public, which is spending hundreds of billions of dollars to prosecute the war in Iraq and may someday be asked to spend far more on the next war because the Senate is about to pass a pre-9/11 energy policy. After 9/11, it became clear that energy policy was a national security issue and that reducing our dependence on foreign oil had to be a national security priority. That hasn't been done.

So today Americans continue to pay what I call a terror tax—the price we pay in insecurity for our dependence on foreign oil. I call it a terror tax because when each of us pulls up to the corner gasoline station and pays $2.40 a gallon, or so, for gasoline, a portion of that money goes to foreign governments that in turn send it out the back door to Islamist extremists who use the money to perpetuate hate and terrorist acts. But in this bill Congress has squandered a golden opportunity to dam that river of terrorist funding.

It is not good enough to accept business as usual when our citizens pay record prices at the gas pump, only to see foreign governments wink and nod while terrorists make off with substantial amounts of the money and use the funds to target America. The recent bombings we have seen have been a sober reminder of just how vulnerable America, our allies, and our strategic partners remain to terrorism. In my view, there is an indisputable link, not only between the American dependence on foreign oil and the price our citizens pay at the pump but between our oil addiction and our vulnerability to attack here at home.

What I have come to learn as a member of the Energy Committee, and as the one member of the conference who was unwilling to sign the report, is

that any energy policy proposed in the future should have to contain a statement of how that bill will reduce the terror attacks. There ought to be a statement in the future with respect to energy legislation on how that legislation would actually reduce our dependence on foreign oil in the short term and in the long term.

If that had been required for this legislation, there is no way this bill would get a passing grade. This legislation does virtually nothing to reduce our dependence on foreign oil. You look at what was said in 2003, not by partisans on one side or the other but by the Bush administration's Energy Information Agency. They said that bill would have increased our imports of foreign oil by 2025 by about 85 percent. This legislation, with respect to oil imports, would produce virtually the same result.

Now, to give the country a sense of just what we were up against—those of us who wanted to break our dependence on foreign oil—I would like to discuss an amendment I tried to offer in the conference. In the conference, I proposed that the automobile industry be required to increase auto efficiency by 1 mile per gallon for each of the next 5 years. The reason I did that is a basic fact of energy policy. You cannot transform this country's energy sector if you give the automobile industry a free pass. So when I made that proposal, I said to myself, what a modest step, just 1 mile per gallon for just 5 years. Yet it would have had a huge impact in terms of reducing our dependence on foreign oil. Unlike this legislation, which doesn't reduce our dependence on foreign oil, that would have made a difference.

In the 2001 report, the national academy found that the technology exists today to raise the average fuel economy nearly 40 miles per gallon by 2012 without sacrificing safety. My proposal was much more modest than what the leading scientific experts in this country found was both technologically feasible and affordable to consumers. Yet the conference rejected even this modest proposal out of hand.

I particularly thank Senator BINGAMAN, who supported it and said we ought to at least, at the very minimum, not go to the American people and say, gosh, 5 miles a gallon over 5 years is too much. But even that modest advance could not make it into this legislation. So, as a result, Americans will get no relief from this terror tax brought about by our addiction to foreign oil. And at the same time, their hard-earned dollars will flow out the back door straight to the entrenched energy interests.

Now, even the President has said that when oil is trading at upwards of $55 a barrel, the oil companies are not in need of any more incentives. When the President says the oil companies don't need a deal from the Government, that ought to tell you something—you are going too far. But even so—even with the remarks of the President, who was dead right—this bill is now stuffed with a smorgasbord of subsidies for a whole host of energy special interests. The buffet of subsidies is so generously larded that, in many cases, it will allow second and even third helpings from the energy subsidy buffet table. Loan guarantees are letting these special interests double dip and even triple dip on some energy projects. Projects that would already be subsidized in other provisions of the Energy bill will also receive loan guarantees under the incentives title.

They are also going to get tax credits in the finance title. That is dip 1. Then they are going to get loans under the incentives title. That is dip 2. Then there will be loan guarantees on top of that. That is dip 3. These guarantees are some of the largest subsidies in the Senate Energy bill, and they are risky ones.

Mr. President, the subsidy title of this legislation, in my view, is a blank check for boondoggles that simply doesn't decrease our foreign oil dependence.

In closing, the most patriotic thing this Congress could have done in the summer of 2005 was to write an energy bill that did three specific things: reduce our dependence on foreign oil, lower gasoline prices for working families and businesses, and end the energy subsidy smorgasbord that has offered these heaping helpings of taxpayer dollars to the energy industry for decades.

I am sad to say, as one who was involved in this from the outset as a member of the committee and the conference committee, that the final product does not accomplish any of those three things. It doesn't reduce our dependence on foreign oil. Nobody has to take my word for it. That has been on the front pages of the papers all this week. It doesn't lower gasoline prices. And, again, you don't have to take my word for it. The President has already stated that. It doesn't end the subsidy buffet for the big energy interests, and you won't have to take my word for that either. You are going to hear those special interests breaking out the champagne bottles all over town in the next few days.

My constituents have been hit especially hard by high energy costs, and they and millions of Americans had hoped that the Congress would step up and take bold action, truly bold action, to shake us free of our dependence on foreign oil and these other concerns that I have addressed tonight.

What I hope is that, as the country sees how little is actually accomplished here, there will be an opportunity—and an opportunity soon—to come back and address some of the shortcomings that have been discussed on the floor of the Senate tonight.

I hope there will be a transformational policy put in place with respect to the automobile sector. That is the ball game in terms of energy conservation and reducing oil consumption. This legislation took a pass on it.

With respect to reducing carbons, again, there was a marketplace approach—a bipartisan marketplace approach—that the Congress could have moved ahead on.

The bottom line, the Congress could have done much better. I think our colleagues in the Senate know this bill is literally a series of missed opportunities. It is right to vote no on this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I have waited my time in the queue this evening because I wanted to take a few minutes to speak not only about the importance of this Energy bill we are poised to vote on tomorrow, but to acknowledge those who did I think yeoman's work in getting us to where we are.

As my friend from Oregon has pointed out, this is not a perfect piece of legislation. He and I would disagree on certain areas of it. But I think when we look at the work product of what we do in the Senate, the day that we come to complete agreement—complete agreement—on all aspects of legislation we move forward, I think we will have all lost our collective senses. We will always find room to improve our legislation. We will always find room to make something better. We need to look at where we are at this point in time with the Energy bill we have before us.

As was pointed out earlier this evening, we have not had an energy policy updated or presented or worked through this Congress for 13 years. Thirteen years is a long time to be floating without a specific policy, a specific policy direction, particularly in an area that is as important as energy.

I had the opportunity yesterday to address a group of a couple hundred young people in a junior statesman-type forum. It was an opportunity for me to speak on the subject of my choosing. Since we have been so focused on energy these past couple weeks and we have been moving this bill through the conference process, I spent my time to talk about what we had been doing and the significance of energy to us as a nation, as a people, and particularly to these young people.

As Senator ALEXANDER, the Senator from Tennessee, mentioned earlier, energy is not typically something we talk about at the dinner table. We need to understand as a country how important energy is to our daily world.

I have often described the way Americans think about energy—we have this kind of immaculate conception notion of energy: It just happens. You flip the switch and the lights go on; you adjust the thermostat and you are cooler or warmer, and it just happens. There is no connection between how we respond to the energy we have, whether it powers us, heats us, cools us, it moves us. We do not think about it. We do not connect the dots between what we are consuming and where from it comes.

As I explained to this group of young people, we get most of our energy from the ground. It comes from underneath, whether it is oil or whether it is natural gas that is extracted off our shores, say, in Louisiana, or whether it is from our coal resources that we mine. Sometimes that is not a particularly visually appealing thought, to think that we have to dig it out, we have to drill it out, we have to extract. But the fact of the matter is, we are energy consumers. We are a nation that is dependent on our energy for what we do, for who we are, for the strength of this Nation. If we couldn't move, if we couldn't communicate the way we do, we would not be the Nation we are.

So it is important for us as Americans to realize, to appreciate, to connect those dots and say, this is important to us. It is important to us to have an energy policy that is comprehensive, that is sound, that is balanced, that not only looks to the production from the traditional sources, such as oil, gas, and coal, but looks to the production from the sources for the future in the renewables, in the alternative sources of energy. That also has as a component of our energy policy the conservation aspects, the efficiencies. This must be part of the plan.

That is what this Energy bill we have before us is and does. It is comprehensive in those ways.

The point has been made tonight that we have done nothing in this Energy bill that is going to bring down the price of gasoline at the pump tomorrow. I am not going to stand before you tonight and say that if we pass this legislation tomorrow and if the President signs off on this in the next couple of weeks the American consumer is all of a sudden going to see the price of gasoline drop at the pump. I cannot make that promise, and I would be foolish to do so. We know that is not going to happen just because we enact this bill.

Here is the point: If we had done this 8 years, 10 years ago, 5 years ago when we had been working on energy policies over this period of time, perhaps we would not be at this point where we are paying $2.40 at the pump, as we are paying in my hometown of Anchorage right now. Perhaps we would not be at this point if we had enacted an energy policy some years prior to this. But we did not, and we are here now.

Now we have an opportunity to do something, to move forward with a policy that does make some sense. So we have to start somewhere. We have to put in place the procedures and the mechanisms that will work. We have to understand that we cannot expect an immediate fix. We did not get to $2.40 a gallon gasoline overnight. We are not going to remedy it overnight. So our expectations need to be realistic.

As the Senator from Tennessee said when he was talking about natural gas, one of the things we will see through what we are putting in place with this legislation is a stabilizing effect, hopefully, with our natural gas prices as we are able to provide for those incentives and encourage more LNG facilities around our coasts so we can get more of the natural gas into this country. Those things have to all start somewhere, but the recognition is let's be realistic in terms of when we are going to see the results.

People want to know, What does it mean to me today? We need to appreciate the fact that we have to look to what it is going to mean to us tomorrow. With the provisions we have put in place, hopefully we will not see the blackout we had a couple years back. We have enhanced the reliability standards of our electricity grids so that we are not going to see that.

Points have been made on the floor tonight that what will come out of this Energy bill is not a cleaner America. I challenge that absolutely. The provisions that have been put in place, the incentives that have been put in place, whether it is the clean coal gasification that will work to reduce those emissions, to reduce the carbon, to make our air more clean, our waters more clean—these are things we are putting in place through the incentives. My colleague called them subsidies. The fact is, when you are changing technology, when you are making things different to make them better, to make them cleaner, to make them more efficient, it is going to cost some money. Should we not help to make it cleaner, to make it more efficient? That is what the incentives are for. So let's work to make those happen.

Think about these processes. We have provisions in place for enhanced oil recovery, and in my State of Alaska, we have some aging oilfields out in the Cook Inlet. They have been producing and doing a darn fine job for a couple decades, but these fields are declining. With the technology and the processes now available, we can, through enhanced oil recovery, through injection of the carbon dioxide, inject into these aging wells, enhance the oil so that we get more oil from these aging wells while we are sequestering the carbon. We have a win-win situation. It is an environmentally more sophisticated and more helpful process, and we are getting more of the energy source we are seeking. It is through these types of technologies that we benefit, that we proceed to win in so many different ways.

Again, I want to reinforce that what we will have an opportunity to accept tomorrow is a comprehensive policy, a policy that has balance to it, that is not totally loaded to the production side.

I come from a State where, quite honestly, we want to see additional production coming out of the State of Alaska because we have the resource there and we want to be able to help meet the Nation's energy needs. But we know—I know—that is not necessarily the energy for the long-term future of this country; that the direction we take is in the area of renewables and the alternatives. We have to start. We are making a start with this legislation.

It is not just a focus on production, it is the renewables, the biomass, the geothermal, the solar, the wind, ocean currents; we have ocean energy for the first time. Think about the possibility of harnessing the currents in our oceans, the temperature differentials in the ocean waters. There is so much potential out there.

Again, when we are talking about new technology and new processes, it takes a little bit of money, it takes a little bit of help, and this is where we can step in to provide that.

Senator BINGAMAN made a comment at the conclusion of his initial remarks that we do not want to wait another 13 years to take up an energy policy again. It is probably premature to be talking about the next energy policy when we have not even concluded this one, but I think we need to recognize that what is happening in this country now and as we collaborate with other nations in clean energy research, the technology changes so quickly—or we hope we can encourage the technology to change so quickly—that we have to keep on top of this. We have to have an energy policy that is current, that does look toward tomorrow. So we want to make sure this is not the end of the conversation, that once we conclude with the Energy bill, we close the books and don't start looking at it for another 10 years. I am not willing to do that, and I think most of my colleagues would be joining me in saying we need to be constantly on top of and involved with this.

I want to comment before I conclude that there have been several of my colleagues on the other side who have mentioned there is absolutely nothing in this Energy bill that reduces our reliance on foreign sources of oil, that, in fact, we become more dependent on foreign oil. I do have to tell my colleagues, as one of the Senators from Alaska who has been very focused on ANWR and opening ANWR, I am sitting back in my chair here listening to this, scratching my head—scratching my head—because they are saying to me we are not doing anything to reduce our reliance on foreign sources of oil, we must do more domestically.

We have been saying we have a portion of the answer. Opening ANWR is not going to make us not rely on foreign sources of oil. We know that. But it can help us. Should we not be doing all that we can domestically to help us?

I know the critics and that we are going to go into this argument in September all over again so I do not need to take the body's time tonight to dwell on these facts, but for those who say there is not enough there to make a difference, the mean estimate coming out of ANWR will be what we have been getting from the State of Texas

for the past 75 years. The mean estimate coming out of ANWR is what we have received from Saudi Arabia for 25 years. That is not insignificant amounts of oil. This can help us.

ANWR is not contained in this Energy bill, much to my dismay. The House included it on their side. We know that in the Senate ANWR, when it was tried to be placed in the Energy bill, was subject to a filibuster. It was subject to a filibuster by some of the same individuals who tonight have stood and said this Energy bill does not provide for any lessening of foreign dependence on oil. Well, I would like to suggest that this energy policy that we are about to vote on tomorrow is one piece of what we need to look to as a Nation. The piece tomorrow will be the piece that includes the focus on conservation, the focus on renewables, alternatives, the focus on efficiencies.

Last year we were successful in moving forward the Natural Gas Act that provided incentives for construction of the natural gas pipeline coming out of Alaska, where we hope we will be able to provide to this Nation a good source of domestic natural gas. That is a huge piece for us. I would also like to think that before the end of the year we would also be able to put into place the rest of the comprehensive energy policy that would include oil coming out of a tiny sliver of the Coastal Plain of Alaska's North Slope.

I publicly thank Chairman DOMENICI and the ranking member, Senator BINGAMAN, of the Energy Committee. Both Senators did an incredible task shepherding this legislation through the floor. Their staffs were excellent. There was a great deal of hard work. It was a pleasure to sit in my first conference and see the manner in which it was conducted. It was a very open, very respectful deliberation of some very difficult issues conducted by the Members on our side as well as Chairman BARTON from the House side. It was a pleasure to be a part of it. I am proud of the product that has come out of this body, and I urge the Members' support.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to this Energy bill. Even though I am opposed to the bill, I first want to pay my compliments to both Senators from New Mexico, Mr. DOMINICI and Mr. BINGAMAN, for the work that they have done. While I am opposed to the Energy bill for a variety of reasons, which I will elucidate in a minute, it was Senator BINGAMAN and Senator DOMENICI who worked very hard to make the bill better.

The bill that left the Senate was considerably better. I thought the House bill could not have been much worse. The bill that comes back to us obviously is somewhere in between. Without the efforts of the two Senators from New Mexico, it would have been considerably worse.

I want to say one other thing. It was of monumental strength that the odious MTBE provisions that the House had clung so steadfastly to, that brought the bill down last time it came around, are not in the bill. That is because the Senate, on the Democratic and Republican sides, hung tough. The MTBE provisions were a disaster. To reward polluters and stick taxpayers who had lost their supplies of drinking water with a bill for what had happened would have been a disgrace. To pay the MTBE companies over $2 billion because they could no longer sell as much of their product as before was doing what we do for very few businesspeople who produce far more worthy products.

So I want to compliment my two colleagues for knocking out that provision. It is the reason we are sitting here with a conference report.

Let me talk about one provision in the bill that bothers me greatly but then talk about what bothers me more than that because what bothers me most is not what is in the bill but what is not in the bill. What is in the bill is an ethanol provision that will force people on the coasts, States that do not grow much corn, to buy ethanol whether they need it or not. I understand the need to help agriculture. I have voted for many of those types of provisions myself. I know the dairy farmers, apple growers and cherry growers in New York State, and they do need some help. I am not adverse at all to the Government helping. But this ''Gyro Gearloose'' way of helping the corn growers of the Middle West by foisting the costs upon drivers, particularly on the east and west coasts, at a time when gasoline is already $2.30, $2.40 or $2.50, makes no sense.

We want to keep the air clean, and we need to make sure that gasoline burns, but there are many ways to do it, not only with ethanol or MTBEs. To require the refiners throughout the country to use MTBE or at least pay for MTBE, even when they are not going to use it, is a disgraceful subsidy. We already subsidize ethanol heavily, and it is very unfair to do it.

If one wants to encourage ethanol, I have no problem with encouraging the creation of ethanol plants in places such as New York or maybe Nevada, where there is not much ethanol now. The real cost of ethanol is not in making it but in transporting it. While it is dubious, recent studies have shown that the energy cost into making ethanol exceeds the energy benefit into using it as a substitute for gasoline. Nonetheless, growing it near the source of use would make it far more efficient. I am very regretful that it is in here.

New York drivers will pay 5, 6, 7 cents a gallon more than they have to because of this ethanol provision. It is unfair to make the salesperson in Rochester who drives 500 or 600 miles a day and has enough trouble earning a living pay a direct subsidy to a corn grower in Iowa, however much that corn grower needs help. It is not a way to do business, and yet that is what we have done here.

So the ethanol provision is rotten. The ethanol provision is a boondoggle. The ethanol provision occurs only because of the political power of the ethanol makers and the growers of corn in the Middle West and some other parts of the country, not because it is right. It is indefensible on the merits. It should not be in the bill.

Having said that, what bothers me even more is what is not in the bill. I love this country, and I try to think what could make this country decline, what has made other great powers decline, whether it is the Roman Empire or Great Britain in the 19th century. When one reads history, it is that they became so preoccupied with enjoying things day to day that they were unable to look beyond the horizon a little bit and try to solve problems that might be upon them 5 or 10 years down the road. That is exactly what we are doing with energy.

Our dependence on foreign oil, our lack of being able to solve our growing energy needs is a crisis in the making. It is not a crisis today, but it is going to be a crisis 5 and 10 years from now. Even now, energy costs are akin to a slit on the wrist. We slowly bleed and it weakens our economy.

Yet, in this bill, we do some things but not close to enough, and nothing major and nothing of vision to reduce our dependence on fossil fuels in general and imported fossil fuels, in particular. Conservation—we know that we should do both things. I do not disagree with the far left or the far right. The far left, conserve only, get rid of fossil fuels; far right, produce more oil, forget about conservation. We should be doing both. I am not adverse to better utilizing fossil fuels, to figuring out coal gasification, even to looking at oil and gas reserves off our coasts, if it is done in a careful and pro-environmental way, as it was done when we sold some tract in the east Gulf several years ago.

Conservation has to be part of any plan to reduce our energy dependence. CAFE standards, not in the bill; major incentives for conservation, not in the bill, even mild provisions, such as the Senator from Oregon offered to raise CAFE standards a mile per gallon a year were rejected. That is because of the cloud of the big three auto companies in America and, frankly, I regret to say, the unions that serve them. They have been arguing for the status quo for years. For that reason now, I hate to say it but foreign automakers are again overtaking them.

We have to look to the future. I am happy to help our auto industry with new incentives to figure out ways to burn less fossil fuel and have alternative sources, but we are not doing it. It is no good for the auto companies, it is no good for the autoworkers, and it is no good for America.

So conservation is not in the bill, nor is a dramatic program to reduce our

energy independence. There are some subsidies here and there for wind power, solar power and biomass. There are subsidies for coal, gas and oil. But the emergency that we face to really engage in crash programs, to use hydrogen better, to use fuel cells better, to find other alternatives, is virtually a necessity or will be a necessity 5 years or 8 years from now, lest our economic vitality continue to be sapped.

It is amazing to me that China, a country not regarded for its fealty to the environment, has stronger CAFE standards, stronger incentives for alternatives to gas and oil than we do. That is a sign that this great American experiment, this noble experiment, as the Founding Fathers called it, may be at least in this area losing its bearings. If we are more interested in providing immediate subsidies to the powerful few in the energy industry who are around us than figuring out a grand plan to reduce our dependence on foreign oil and on fossil fuels in general, we are not serving the people of America.

The amazing thing is I think the people of America are ready for a vision, if we look at all the surveys, finding a way to be independent of imported oil.

I ask unanimous consent for an additional 5 minutes.

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

Mr. SCHUMER. Dependence on foreign oil gets our foreign policy twisted in a knot, which, of course, saps our country of wealth every minute, every second, 365 days a year, and the American people want some change. They are willing to make some sacrifice and tighten their belts. As China is ahead of America in this area, the American people are ahead of this Congress. Again, we seem more concerned with feeding particular special interests, some good, some bad, than we do with coming up with a vision as to how we are going to reduce our energy independence.

So is this bill an evil, horrible bill? No. The ethanol provision is odious, but the bill on balance may take a small, few steps forward, but not close to what is needed. I cannot think of an area, in a large policy way, where the needs and the political possibilities are not far ahead of what we have done tonight.

I regret to say I am going to vote against this bill, not only because of the ethanol provisions in it, but because at a time demanding vision, at a time demanding foresight, at a time demanding an effort to solve problems that are only problems today but could become crises 5 years from now, we have done mostly the prosaic, the mundane, the expected. That is not what a great power does. That is not what true leaders do. That is what this bill does.

So despite my respect for the leaders of the bill and the wonderful, harmonious way in which they worked, I have to say, to me, this bill is a serious disappointment and I have no choice but to vote against it tomorrow.

I yield the floor.

Mr. CORZINE. Mr. President, I rise to express my opposition to the energy conference report. I thank the managers of the bill, the two Senators from New Mexico, for their diligent effort in putting together an energy bill. While I cannot support the final product, I respect that they have made every effort to make this a bipartisan process and I thank them for their leadership.

I voted against the Senate energy bill last month because it inadequately addresses several major priorities that should be included in a sound energy policy—reducing U.S. dependence on foreign oil, implementing CAFE standards, decreasing greenhouse gas emissions that cause global warming, and protecting the coastline from offshore energy drilling.

Unfortunately, the bill has only become worse in conference and amounts to a missed opportunity to create an effective comprehensive energy policy. This bill does not do enough to lead this Nation toward energy independence and energy security.

The bill also does not address an issue that faces Americans daily—soaring gas prices. A a time when gas prices are skyrocketing and our dependency on oil is steadily increasing, we are voting on a bill that the President himself has said will do nothing to address those prices. The people of New Jersey, and in fact this Nation, deserve a bill that tackles this problem. I'm sure all Americans will be disappointed to know that instead of helping them at the gas pump, the bill provides giveaways to the Nation's fossil fuel industries.

To truly make a dent in our energy independence, we need at least a savings of three to five million barrels of oil per day, yet this bill does not include any oil savings provision. Furthermore, this bill misses an opportunity to effectively reduce this Nation's oil use by increasing the fuel economy of passenger vehicles. Indeed, improving fuel efficiency, or CAFE, standards is not only a cost effective way to improve our energy security, but it would be instrumental in reducing soaring greenhouse gas emissions. During the debate on the Senate energy bill, Senator DURBIN proposed an amendment that would have raised CAFE standards and closed the SUV loophole, both of which would save this country over 101 billion gallons of oil by the year 2016.

In addition, the bill does not do enough to encourage the use of renewable energy sources. One of the few good provisions of the Senate energy bill was the ten percent renewable portfolio standard. My home State of New Jersey has been a leader in the area of renewable portfolio standards as it already has a 20 percent RPS. It is about time that the rest of the Nation follow suit. A Federal RPS is a crucial step in weaning this country from its dependence on foreign oil sources and I am disappointed that this conference report excludes this provision.

The bill also includes a seven and a half billion gallon ethanol mandate. Those in favor of an ethanol mandate claim that it will enhance U.S. energy security. In fact, increasing the renewable fuel standard would not significantly reduce U.S. oil imports because each gallon of gasoline blended with ethanol to make gasohol has less energy in it than regular gasoline. Therefore, we need increased petroleum product imports to make up that energy loss. In addition, producing ethanol requires a significant amount of fossil fuel. Worst of all, the ethanol mandate amounts to a new gas tax for my constituents. With the cost of living in New Jersey being one of the highest in the Nation and gas prices at an all-time high, an ethanol mandate is not acceptable for New Jerseyans.

I am also extremely disappointed that energy conferees voted down an amendment in conference that would have stricken the seismic inventory of the Outer Continental Shelf. This seismic inventory is paramount to opening the door to drilling off the coast of New Jersey. This is a crucial issue for the state of New Jersey.

My State is the East Coast hub for oil refining and with three nuclear power plants, many traditional power plants, and hopefully an LNG terminal in the near future. We have made these contributions to energy production and we have made them without offshore drilling.

A seismic inventory threatens New Jersey's way of life. It is a slippery slope toward drilling that threatens not only New Jersey's environment, but also its economy. Drilling endangers New Jersey's pristine beaches as well as jeopardizes the tourist industry, which generates $5.5 billion in revenue for my State and supports 800,000 jobs. Furthermore, the seismic explosions put our marine life and fisheries at risk. I made my opposition to undermining the moratoria on drilling in the Outer Continental Shelf when I spent hours on the floor during the Senate energy debate to defend against amendments that would weaken the moratoria in any way. That effort was successful, but this inventory that remains in the bill will weaken the current moratoria on drilling, and I am very concerned about the potential consequences.

Another major issue that the energy conference report fails to address is climate change—one of the most pressing issues facing our planet today. The science makes it increasingly clear that that greenhouse gas emissions caused by human activity are changing the earth's climate. The rest of the industrialized world understands the danger of this problem and the United States must catch up.

I have long been a proponent of legislation that would counter this problem and encourage reductions of greenhouse gas emissions. My advocacy on behalf of climate change legislation is not limited to the current Congress.

Senator BROWNBACK and I led the way to passing a greenhouse gas registry and reporting amendment to the Energy Bills in the 107th and 108th Congresses. The current voluntary programs encourage reductions from only a small group of industry leaders, and have little to no effect on most of the economy. Despite these well-intended programs, greenhouse gas emissions have risen on average one percent per year for the last several years. Our Nation can do better.

The potential effects of global warming are dire for my State. If we do not control climate change, New Jersey could face a receding coastline along the shore, loss of habitat in our beautiful beach towns like Cape May, and more extreme weather events such as storms and flooding. Similar to the effects of the seismic inventory, this devastation would directly affect New Jersey's economy. If our beaches are threatened, and our coastline damaged, New Jersey will see an economic impact of catastrophic proportions. Our second largest industry, tourism, will be devastated.

This is an issue for New Jersey and the rest of the United States, but it is also an issue for the world. Unless Congress acts, the effects of global warming may be devastating to the worldwide economy and environment.

Finally, while the bill does not include the MTBE liability provision that has stalled past energy bills, it does include a provision that moves MTBE claims from State court to Federal court when the claims are based on State tort law, nuisance law, or consumer law. This provision amounts to backdoor immunity for MTBE producers by unfairly depriving injured parties and their representatives of their right to have their claims heard in their State forum. This language could even derail many legal claims entirely, effectively shielding those companies responsible for MTBE contamination from their full financial liability for the damages they have caused. This is unacceptable.

I voted against this bill when it was in the Senate with the hope that it would have been improved in conference. Unfortunately, the bill has only been made worse. A sound energy bill must move this country toward energy security and independence. This bill does not come close. I must, therefore, vote against this conference report and urge my colleagues to do the same.

Mr. SALAZAR. Mr. President, I rose earlier to discuss my general thoughts regarding the Energy bill conference report. I now want to take an additional moment to provide my thoughts regarding a specific provision in this conference report.

I am pleased the conference report includes provisions that will help some of our most vulnerable citizens, low-income energy consumers. While we need to protect against energy price volatility to protect our economy, industries and households, nobody is harder hit by high-energy prices than low-income energy consumers.

The conference report increases the authorization for the Low-Income Home Energy Assistance Program, LIHEAP, from $2.0 billion to $5.1 billion to reflect the increased demand for energy assistance due to high energy prices. At current funding levels, LIHEAP serves less than 15 percent of the eligible population. The increased funding authorization is much needed. I hope we can also increase appropriations to meet this increased demand for energy assistance.

The conference report also contains a provision originating in the House bill that authorizes the Secretary of Interior to begin a new program to assist low-income energy consumers. Section 342 of the report authorizes the Secretary to grant a ''preference'' to low-income energy consumers when disposing of royalty in kind gas.

This provision originated from a constituent of mine, John Harpole, who is the president of a natural gas production company and also an advocate for low-income energy consumers. Pursuant to this authorization the Secretary of Interior may begin a demonstration program that would provide royalty in kind natural gas to low-income energy consumers at below market cost. In order to do so, the Secretary could enter into agreements with natural gas distribution companies to provide them natural gas at below market value as long as they guarantee such gas will be delivered to low-income energy consumers. In practice, the transfer would occur through accounting mechanisms, not the actual exchange of natural gas molecules.

The specific details of the demonstration project will be worked out through a public and transparent process that will include the public and all interested parties. The benefits provided under this section are intended to supplement and not supplant funds otherwise provided under the Low-Income Home Energy Assistance Program. Finally, the Secretary would be required to issue a report to Congress on the effectiveness of the program, with specific recommendations for modification. I look forward to working with you and the Department of Interior to implement this program.

Mr. President, America has an energy problem. We waste tremendous amounts of energy, and that keeps prices high. We continue to consume more energy than we produce, and that means our oil imports keep going up. And the more we are held hostage to foreign oil, the more our national security is impacted.

I recognize that the energy conference report represents a compromise between competing House and Senate approaches to addressing our Nation's energy needs. As with all compromises, the report is not perfect. Much remains to be done to promote energy independence and increase our national security. But even so, this Energy bill is an important first step forward, and I support its final passage.

I am very pleased with many aspects of the Energy bill. The bill retained incentives for new, cleaner coal technologies, and incentives for energy efficiency and conservation. It improves electric reliability standards and provides much needed regulatory reform. It contains incentives for the production of wind and other renewable energy, and it contains a strong renewable fuels standard to promote the production and use of American-grown renewable energy sources such as ethanol and biodiesel.

By beginning to address our Nation's need to develop additional sources of energy and to reduce our consumption of fossil fuels, the Senate's bipartisan work on the Energy bill was more comprehensive and more forward-thinking than the final version agreed to in conference. I am disappointed, for example, that the House and Senate conferees did not retain the Senate's national renewable energy standard, and that other strategies for reducing our dependence on foreign oil are not included in the final bill. Conferees also decided to take a more aggressive stance on oil shale development than I and my Senate colleagues had advocated, and they rolled back certain environmental protections. These changes could significantly impact Colorado's Western Slope, and I will monitor the implementation of both provisions closely.

Because there is so much more that we must do in this country to ensure greater independence from foreign oil, I am going right back to work. I believe strongly that we must reduce America's dependence on foreign sources of energy, particularly our dependence on foreign oil, and that we must do more to protect the environment. Greater energy independence is vital to protect our national security. Energy independence is also good for Colorado's economy—we are home to the National Renewable Energy Laboratory, NREL, and to countless companies and entrepreneurs working on developing alternative fuels, including wind, biofuels, solar, and many, many other clean energy technologies. In the Senate, I will continue to work hard to establish a viable national renewable energy standard, to promote oil savings, to adopt a responsible climate change policy, and for increased production of renewable fuels. I will also continue to work on cost-effective measures that will help us achieve greater energy efficiency and conservation. I look forward to working with my colleagues in the Senate on these and other priorities for Colorado.

Mr. CORNYN. Mr. President, I rise to commend the conferees who have been meeting over the last few weeks to complete this comprehensive energy legislation. In particular, I want to thank the chairmen and ranking members of the House and Senate committees for their leadership in guiding this

highly complex and important legislation through the process. Congress has tried several times to approve a comprehensive energy bill. Under their wise guidance and counsel, I believe that we will be successful this time. It is critical that we provide the country with the resources and tools to meet our growing energy needs and this bill will go a long way in accomplishing that goal.

There are many good and worthy provisions in this legislation. In broad terms, having a national energy policy will enable the country to more effectively utilize our resources to reduce our dependency on imported oil. It will enable us to diversify our sources of energy with renewable fuels, develop resources like nuclear power in the future and conduct research into hydrogen fuel cells. The bill recognizes that we need to develop ways to utilize one of our country's largest resources, centuries worth of coal deposits, and develop ways through research to burn it cleanly so it doesn't contribute to pollution and harm our environment.

However, I must express my disappointment that many of the provisions dealing with MTBE were not ultimately included in the final bill. As a lawyer and a former judge, the issue of liability is an issue that is near and dear to my heart. That we are denying liability protection to MTBE producers is disturbing to me. When Congress set out to encourage clean air by passing the 1990 Clean Air Act Amendments and passed a particular fuel standard, Congress knew that MTBE would be widely used to satisfy the standard. As a result, manufacturers produced and marketed MTBE to satisfy the Congressional standard. Now, manufacturers face significant lawsuits solely because they produced a product that Congress encouraged them to produce.

Manufacturers did not make mistakes in production, they did not cut comers in an attempt to increase profits, and they did not try to trick consumers. All they did was exactly what Congress wanted them to do. It is only fair that any fuel producer who responds to a congressional mandate should be protected against legal action based upon the use of that mandated product. No one should be penalized for obeying the law. I am disappointed that there was a failure to address this issue.

Texas is proud of its heritage as an energy producing State. Texas will continue to play a vital role in providing for the Nation's energy needs. Even in light of my disappointments with the bill, I believe that this legislation provides strong leadership and guidance to address the critical energy needs of our country.

Mr. HARKIN. Mr. President, we have before us today an opportunity to chart a new course for the Nation's energy future.

The energy bill includes vitally important measures to boost renewable energy and energy efficiency, to improve our electricity grid, and to protect consumers from bad corporate actors like Enron.

I am very pleased that it includes the lion's share of the renewable fuels standard bill I introduced earlier this year with DICK LUGAR and many of my colleagues. This is an accomplishment of historic proportions. Oil refiners will be required to blend 7.5 billion gallons of ethanol and biodiesel annually by the year 2012—more than twice the current rate. This RFS is 2.5 billion gallons higher than what was in the House bill. Obviously, this is great news for farmers, biofuels producers, and the rural economy in Iowa and throughout the country. It is the single most important provision in the bill, certainly in the near term, to displace ever increasing amounts of foreign oil that we import into this country. The RFS is a big step in the right direction and I am very proud to have helped get it done.

I am also excited that the ''bioeconomy'' amendment I authored with Senators LUGAR, OBAMA, COLEMAN, and BAYH was included in the bill. It gives a real boost to biomass R&D to expand the production and use of biobased fuels, chemicals and power. It provides grants to small biobased businesses to get their products into the marketplace. It will increase purchases of biobased products by the Federal Government by extending the farm bill's biobased purchasing preference to Federal contractors and the Capitol complex. In short, with appropriate funding, it will make it possible to convert much more biomass—corn, soybeans, wheat, and other crops—into petroleum substitutes for everyday use in our homes, businesses and vehicles. And we will do it without negatively impacting our abundant food supply.

The RFS, complemented by these biobased initiatives, will be a heck of a one-two punch for our farmers, small businesses and rural communities.

I am also very pleased that the final bill extends the wind production tax credit, and that it includes my amendment to allow farmer-owned co-ops to pass on this tax credit to individual members of the co-op. The biodiesel tax credit extension is also a valuable asset in the bill. So is the tax credit for the installation of new E–85 pumps. I have pushed for all of these provisions for some time. The tax incentives for renewable energy and conservation, while less than needed, still represent a major boost for clean energy.

The energy bill we will soon vote on is by no means perfect. It drops several of the Senate's best bipartisan provisions to reduce our dependence on fossil fuels and foreign oil—the Renewable Portfolio Standard, and the oil savings amendment, in particular. These were common sense provisions that should have been included. It is a terrible mistake not to have done so.

The bill also does too little to improve fuel economy and address climate change. It lavishes tax breaks to oil companies reaping record profits from $2+ a gallon gas, and spends more reviving a nuclear industry that has never proven cost-effective and has not solved the problem of nuclear waste. It also includes some very questionable environmental provisions to aid oil and gas companies.

Like I said, not a perfect bill, but it is a start, and we can thank the bipartisan process that was taken in the Senate for that. The challenge now will be to take the next steps toward a truly sustainable energy future—one that our farmers, who are increasingly at the forefront of the country's clean energy strategy, can help lead. I will continue to work to make this a reality.

When we draw our energy from the corn and soybean fields of rural America rather than the oil fields of the Persian Gulf, we do four things: We increase America's energy security; we boost our rural economy; we create a cleaner environment; and we put downward pressure on prices at the pump. That's why I intend to vote for this bill, and I hope many of my colleagues will follow.

Mr. REID. Mr. President, I rise today to congratulate Senators BINGAMAN and DOMENICI for their hard work to develop a bipartisan energy bill over the last several months.

When the energy bill came to the Senate floor, Democrats had one goal in mind: enhance our national security by moving America toward energy independence.

Together, we were able to achieve some our goals: a renewable electricity standard, the 3-year tax credit for renewables, oil savings, global warming, and a Federal ban on MTBE. That's why I voted for the Senate energy bill.

Unfortunately, despite our best efforts of our Senate negotiators, the conference rejected all these provisions. I sincerely hoped to have been able to vote for the energy bill conference report. I cannot support the bill.

I truly believe we have missed an incredible opportunity to establish a renewable electricity standard, provide help to consumers facing record prices at the gas pump and, most importantly, to reduce our dependence on foreign oil.

For these reasons, I will vote against the energy bill conference report.

Mr. BINGAMAN. Mr. President, I would like to comment on two specific provisions of the conference report. I am pleased that the provisions contained in the conference report on hydroelectric relicensing, section 241—Alternative Conditions and Fishways, have been improved over the provisions contained in both the House and Senate bills. I continue to have concerns that the new process for alternative mandatory conditions and fishway prescriptions will add complexity and delay to the process. The requirement that the resource agencies afford all parties an opportunity for an on the record trial-type hearing on material

issues of fact could prolong these proceedings. However, I understand that the intent behind the provision is that these not be lengthy hearings. Rather they are to afford an opportunity for a review of narrow issues of fact, and not a review of the application of the facts or the decisions based upon them.

I am pleased that the provisions allow all parties to the proceedings, including States, tribes and third parties, to participate equally. I understand the conference language ensures that the heads of the resource agencies retain discretion to employ scientific data and other information submitted by any of the parties to licensing or relicensing proceedings in determining what conditions will provide for adequate protection and use of tribal lands and what fishways are needed for the protection of fishery resources for which the United States has a legal or trust responsibility to preserve and protect on behalf of Indian tribes. I also am satisfied that the conference language preserves the principle that Indian lands and fishery resources held in trust by the United States, or for which the United States has legal responsibility, will continue to be protected and preserved in a manner consistent with the provisions of the Federal Power Act of 1920 and subsequent rulings of the Federal courts that reaffirm these protections for tribal lands and fishery resources.

Finally, I understand the motivation behind these provisions to be an effort to improve the cost-effectiveness and efficiency of conditions and fishways—and not to be an opportunity to undermine the conditions and fishways that resource agencies determine are necessary for the adequate protection of federal reservations and fish resources. I expect that the resource agencies will carry out these provisions with this intent in mind.

Mr. President, section 354, Enhanced Oil and Natural Gas Production Through Carbon Dioxide Injection grants the Secretary authority to provide royalty relief in order to achieve the dual purposes of the section, which are both to promote the capturing, transporting, and injection of produced carbon dioxide, natural carbon dioxide and ''other appropriate gases or other matter'' for sequestration, and to promote oil and gas production by providing incentives to undertake enhanced recovery techniques using injection of these substances. It is my understanding that the provision is intended to encourage the sequestration of greenhouse gases, and the ''other gases or matter'' referred to are gases and matter that fall within that definition. I understand the intent to be that any royalty relief under this section be made available only where doing so achieves the dual purposes of benefitting the environment through sequestration of greenhouse gases while also bringing about enhanced recovery.

BLM COST RECOVERY

Mr. THOMAS. Mr. President, I would like to commend Senator DOMENICI, chairman of the Committee on Energy and Natural Resources, and Senator BINGAMAN, the ranking Democrat, and all the Senate conferees for their excellent work on a number of areas in the conference report agreement on H.R. 6, especially those relating to processing of energy permits. I would like to point out one particular provision that will provide a basis for future work to ensure more energy supplies from Federal lands.

Section 365 of the H.R. 6 conference agreement outlines a multistate pilot program to improve coordination of energy permit processing in a number of Western States. That section includes a provision to allow a share of the money from Federal oil and gas lease rentals to be used by the Department of the Interior's Bureau of Land Management, BLM, and other agencies to ensure adequate resources for processing and considering applications for permits necessary for natural gas and oil drilling and other operations.

As the conference on H.R. 6 was getting underway, the BLM released a proposal that, if implemented, would begin charging fees for permit processing. Called a ''cost sharing'' proposal, it was really a ''cost shifting'' one. And it came at a time when Federal revenues from leasing and production of Federal oil and gas as a result of such permits being issued total approximately $1.8 billion each year.

In one Wyoming office alone the proposed fee which could be as high as $4,000 for a single application would generate $11 million, far in excess of the office's total oil and gas program budget. I would prefer that producers put this money back into the communities where they are doing business and expand their investment to produce more energy.

In the strong belief that the Federal Government has a responsibility to budget and pay for advance environmental work and consideration of the permits necessary to explore and produce on its leased acreage, Senator HATCH and I filed an amendment to prevent the BLM from instituting fees during the period of the permitting pilot program. I was pleased that the House conferees joined my Senate colleagues in approving that amendment.

Now that the Energy bill conference agreement is before us, I hope that my colleagues will agree that in the future we need to provide adequate Federal funding for energy permitting, and that we should continue to prohibit attempts to shift Government costs to the private sector as was attempted by the BLM.

Mr. HATCH. If the Senator will yield, I would like to associate myself with his remarks and make an additional point. As a sponsor of the Energy bill amendment, I want to make clear that even though we were able to stop the specific proposal on fees for processing of applications for permits to drill during the pilot program relating to such permitting, the BLM should understand that our concern is with the broader issue of cost shifting. We would be as concerned if BLM proposed to shift the permitting burden for any fluid or solid mineral leasing or permitting to those who are already required to pay for their Federal mineral rights through bonuses, rents and royalties. I do not want to see additional attempts to shift costs in this manner.

Mr. CRAIG. Will the Senator yield? In listening to this discussion and the points being made by my colleagues, I agree that we should not be shifting costs as BLM apparently proposed. Nor should other charges and fees for other energy and mineral permitting be put forward. We want our companies to put that money in the ground, not in the Federal Treasury with no guarantee that any of it will be spent on better energy permitting.

Surely out of the $1.8 billion already being received from industry's exploration and development of Federal oil and gas resources alone we can fund the planning, environmental, permit processing and other responsibilities of the Federal Government.

I am pleased that my colleagues were successful in amending the energy conference agreement to stop the cost sharing proposal and commend them for doing so.

I would also like to point out that as chairman of the Energy and Natural Resources Subcommittee on Public Lands and Forests, I plan to hold hearings this Congress on Federal lands energy and mineral access. As part of that hearing, I intend to find out more about the ability of our Federal agencies to process leasing, drilling and other applications in a timely manner. Delaying permits is the same as delaying energy and mineral supplies to those who need them.

In addition, shifting costs to those who need the permits for any of these activities is also a way of discouraging what needs to be done to find and produce the supplies we need. As a result, I will be glad to consider including this subject in our hearings.

SEAWATER COOLING SYSTEMS

Mr. AKAKA. Mr. President, I would like to engage my friend from Iowa, the chairman of the Finance Committee, as well as my friend, Senator BAUCUS, the ranking member of the committee in a brief colloquy.

There is an important project under consideration in Hawaii that would use deep seawater to cool buildings in downtown Honolulu. This project may be funded, in part, by private activity bonds. I would like to ask whether piping used to bring cold water from the ocean to the distributional facility would be considered part of the local system consisting of a pipeline or network, which may be connected to a cooling source, providing chilled water to two or more users for residential, commercial or industrial cooling as provided in section 142(g) of the Internal Revenue Code.

Mr. GRASSLEY. It is my understanding that if a traditional plant

were constructed several miles from its customers, the network to deliver cooling would qualify. It seems to me that piping used to draw cold water from the ocean is analogous to piping used with respect to a traditional cooling system and also should qualify.

Mr. BAUCUS. I concur with the chairman. The piping in this case is integral to the delivery of cold water from the ocean to be used in the chilling of residential, commercial and other buildings and therefore should qualify for tax-exempt financing.

ENERGY EFFICIENT APPLIANCES

Mr. SMITH. Mr. President, with respect to the credit for energy efficient appliances, section 1334 of the Energy Policy Act, I understand that the dishwasher credit amount is based on a comparison of changes to the Department of Energy's Energy Star specification for its 2007 qualifying level as compared to the existing Energy Star qualifying level for this product. In particular, the amount of the credit for these products to be provided is determined, in that section, by calculating the percentage increase in efficiency—measured as an ''Energy Factor'' or ''EF''—from the 2005 Energy Star level to the 2007 Energy Star level. The current Energy Star specification for dishwashers is measured by EF. There is the possibility that the Energy Star Program might change the metric for measuring efficiencies of these products from EF to another measurement and this might create confusion in the calculation and implementation of the credit. I would like to ask the bill's manager if it is his understanding that the IRS has the authority, in consultation with DOE, to establish an equivalent level of efficiency for dishwashers in case the Energy Star Program establishes an efficiency metric for these products that is different than the current EF metric.

Mr. GRASSLEY. I agree with the Senator's understanding of the IRS's authority to consult with DOE in this regard, and to establish an equivalent level of efficiency for dishwashers for determining the amount of the credit.

SECTION 1503

Mr. SCHUMER. Mr. President, I rise today to engage my friend, the Senator from New Mexico, who serves as the ranking member of the Energy and Natural Resources Committee and who acted as the ranking Senate conferee, in a colloquy regarding the conference report on the Energy Policy Act of 2005. I thank my friend for his service in this body and hard work on this bill, and particularly his efforts in resolving the contentious issues surrounding MTBE remediation litigation. It is my understanding that the language contained in section 1503 of the conference report addresses this issue in a matter consistent with current law on three vital fronts. First, it would in no way preclude or abrogate the right of citizens and local governments to pursue all available State and Federal remedies where there is environmental harm and other injury that results from contamination of MTBE into groundwater and public water supplies. Second, nothing in the language will alter the substantive law that courts currently apply in these cases and that they will apply to future claims. And finally, it is not intended to provide Federal courts with exclusive or subject matter jurisdiction or grant Federal courts jurisdiction over nonproduct liability cases, such as environmental cleanup and cost recovery cases involving general petroleum spills initiated by State governments and private citizens. Rather, it is intended that under section 1503, cases involving general spills will remain in State court, where many of these cases are currently handled. Does the Senator from New Mexico share my understanding of this language and its intent?

Mr. BINGAMAN. Mr. President, I share the understanding of the language expressed by my friend from New York.

Mr. SCHUMER. I thank the Senator from New Mexico for sharing his understanding of section 1503.

Mr. BINGAMAN. Mr. President, the joint explanatory statement accompanying the conference report on the energy bill is noteworthy for its brevity, but somewhat short on explanations. The managers simply did not have time to say more than we did if we were to file the conference report in time for both the House and Senate to act on it before the August recess.

As a result, the statement of managers omits explanations of several important provisions that many of us believe are key to understanding the agreements we reached on these issues and the meaning of these provisions. In some cases, specific text had already been negotiated and agreed upon for inclusion in the managers' statement, and the assurance that the agreed upon text would be included in the managers' statement was a critical component of the compromise reached on the legislative text.

Would the senior Senator from New Mexico, as the chairman of the Senate conferees, be willing to put these explanations on the record for the information of all Senators?

Mr. DOMENICI. Mr. President, I would be happy to. Senator BINGAMAN is correct. We had agreed upon text for insertion into the managers' statement on a number of provisions, but it was left out in order to file the conference report in time for us to complete our work this week. I agree that those explanations should be placed on the record for the information of all Senators.

Mr. BINGAMAN. The first of these explanations relates to section 210, which establishes two grant programs to improve the use of forest biomass for energy production. Section 210 was included in response to Federal land managers and other experts that have recommended removing some of the slash, brush, pre-commercial thinnings, and other non-merchantable wood and plant material from many of our forests to improve forest health and reduce the threat of uncharacteristic wildfire.

One hurdle that must be overcome is that in many regions of the country there currently are few economically viable enterprises using this type of biomass. If a viable market for these materials existed, the ultimate cost of forest restoration treatments would decrease as landowners who currently pay to have this biomass removed could sell it at a profit.

During the conference, we deliberated about the potential for the grants authorized by these programs to adversely affect current and future markets for using such material for other value-added products that are not provided grants through these programs. Along with biomass energy, alternative markets are a critical element of the effort to make forest health treatments cost-effective. This was a significant concern, was it not?

Mr. DOMENICI. Senator BINGAMAN is correct. Section 210 was specifically drafted to address the concern he identified by focusing on nonmerchantable biomass that would not otherwise be used. It was our intent that the Secretaries implement the grant programs with sensitivity to alternative uses—both current and future—for the byproducts of preventive treatments, to the affects of other grants or support for encouraging the use of forest biomass that are provided pursuant to any other authority, and to the potential for alternative uses to provide a greater return to the taxpayer in the long run.

Mr. BINGAMAN. Mr. President, the second of these issues relates to oil and gas leasing in the National Petroleum Reserve in Alaska. The Naval Petroleum Reserves Production Act of 1976 established the National Petroleum Reserve in Alaska. Four years later, the Department of the Interior Appropriations Act for Fiscal Year 1981, Public Law 96–514, directed the Secretary of the Interior to open the Reserve to competitive oil and gas leasing, subject to specific terms and conditions.

Both the House bill and the Senate amendment transferred the competitive leasing program in the appropriations act into the Naval Petroleum Reserves Production Act. The Senate amendment went further, however, by requiring the Secretary of the Interior to prevent, to the maximum extent practicable, and to mitigate, adverse effects from leasing and development activities. The conference report omits this additional Senate language.

It is my understanding, however, that the Senate language was omitted because the Department of the Interior is already interpreting the standard in existing law in the manner set forth in the Senate language. For that reason, the conferees decided that the language was unnecessary. Is that the case?

Mr. DOMENICI. The Senator is correct. It is my understanding that the transfer of the matter under section 347(a)(2) does not affect or otherwise modify the standard for activities undertaken pursuant to Public Law 96–514. The Senate included language in section 107(b) of the Senate bill relating to mitigation of adverse effects that the managers have not adopted as unnecessary. It is the understanding of the managers that the Department of the Interior is interpreting the current standard in the manner set forth in the Senate language.

Mr. BINGAMAN. Finally, the conference report contains an entire title designed to help Native Americans promote the development of tribal energy resources, including an innovative program of tribal energy resource agreements. Would the distinguished chairman of the Senate conferees comment on this title?

Mr. DOMENICI. I would be happy to, Mr. President. The managers recognized the large supply of energy resources existing on Indian lands, as well as the desire of many Tribes to increase access to those resources. The Indian Energy title is designed to provide economic development opportunities to Indian tribes by assisting and empowering them to develop and utilize tribal energy resources in a manner that meets the needs of Indian country and the Nation as a whole.

The title will also continue and strengthen efforts to improve access to electricity for native people who are ten times more likely to be without such access than their counterparts residing outside of Indian reservations. Of particular note, is the creation of a new Office of Indian Energy Policy and Programs within the Department of Energy that is dedicated to working with Indian tribes on energy development matters.

The Title also creates a new program in section 503 related to energy leases, agreements, and rights-of-way on tribal lands that continues a policy of promoting tribal self-determination while preserving the trust relationship between Tribes and the Federal Government. The leases, agreements, and rights-of-way section preserves the full application of Federal environmental laws while authorizing eligible Tribes to approve individual energy projects without duplicative Federal approvals.

The title contains several other provisions, all of which the managers believe will provide significant benefits to Indian country.

Mr. BINGAMAN. I thank Senator DOMENICI for placing these explanations in the RECORD.

Mr. President, before I yield back the remaining time, since I see there are no additional Senators waiting to speak, unless there are some who appear, I want to take a few minutes to thank committee staff for the excellent work that went into the development of this bill. We have had superb staff work here in the Senate on the Democratic side and the Republican side. I particularly want to single out the staff members on the Democratic side who have worked so hard, over many weeks, months, and even years in the development of this legislation. To the extent this work product is a step forward, it is a result of their hard work and their commitment, and clearly this is an accomplishment which could not have been achieved without that excellent work.

Bob Simon is the staff director on the Democratic side. He has done a superb job. Sam Fowler is the chief counsel and also has done yeoman work. Vicky Thorne; Bill Wicker; Patty Beneke; Deborah Estes; Mike Connor; Jennifer Michael; Leon Lowery; Jonathan Black; Al Stayman; Scott Miller; David Brooks; Michael Carr; Sreela Nandi, who is an AAAS fellow sponsored by the American Chemical Society who works with our committee staff; Tara Billingsley, who is a Department of Energy detailee who worked with the committee in May and June of this year; Amanda Goldman; Mark Wilson; Jonathan Epstein, who is a fellow in my personal office who also worked hard on various aspects of this legislation; and James Dennis in my office, who worked on the tax provisions of the bill.

In addition, I want to acknowledge the extremely capable staff on the Republican side, in particular Alex Flint, who was mentioned by Senator DOMENICI earlier, the staff director; Judy Pensabene, who is the chief counsel on the Republican side; and the other many staff members who I am sure will be recognized by Senator DOMENICI before action on this legislation is complete.

Let me also acknowledge key House staff who worked so hard during this conference committee that we concluded: Mark Menezes, who is counsel for Chairman JOE BARTON; Sue Sheridan and Bruce Harris, who are counsels for the ranking member on the House side, Congressman JOHN DINGELL.

All of these individuals whom I named made a tremendous contribution to this legislation and all of them deserve our great thanks. No constructive work is done here in the Congress without this kind of excellent staff work and we are very fortunate in the case of this legislation.

I am informed there are no other Senators wishing to speak at this point. I am also informed we will have additional time tomorrow for statements before any actual votes occur on or in relation to the conference report.

I yield the floor at this time. 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. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. FRIST. 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.

IN MEMORY OF BRETT KARLIN

Mr. DURBIN. Mr. President, I rise today to remember a young man from Illinois whose future was full of promise and hope. Last summer, 18-year-old Brett Karlin of Buffalo Grove, IL, was anticipating a summer of youthful fun. Just weeks after his graduation from Adlai E. Stevenson High School, on July 30, 2004, Brett and his best friend Andy set out on a fateful drive through the outskirts of a neighboring suburban town. Neither Andy nor Brett was under the influence of drugs or alcohol, and Brett's seatbelt was fastened, but it was little help as they raced over the posted 30-mile-per-hour speed limit. As they pushed the speedometer of the Honda Accord they were driving to 112 miles per hour, the car skidded out of control and collided with a tree. The crash left twisted metal, protruding shards of shattered glass, and a head trauma that cost Brett his life 6 days later. A reckless pastime gone awry had cut a promising life short and left a grieving family in its wake.

Unfortunately, tragedies like Brett's occur each day. According to a 2003 report by the Centers for Disease Control and Prevention, more than 4,700 U.S. teenagers between the ages of 16 and 19 died of injuries caused by motor vehicle crashes in 2001. In my home State, teenagers make up only 6 percent of all Illinois drivers, but they account for 16 percent of all crash fatalities. We must work to prevent these tragic losses, and one of the ways we can do that is by encouraging legislators, teachers, and parents to educate America's teenage drivers about driver safety.

To memorialize Brett's life, Brett's father, Michael Karlin, founded the Brakes for Brett nonprofit organization. Through peer presentations to high schools and religious and community groups, and by maintaining an informational Web site, Mr. Karlin, Andy, and other friends of Brett educate young adults about the dangers associated with reckless driving. I commend Mr. Karlin and those who collaborate with the Brakes for Brett organization for their work to save the lives of young drivers.

Together, we can work to alert teens to the hazards associated with speeding and joyriding, including its social, emotional, psychological, and financial effects.

In 2003, the National Highway Traffic Safety Administration estimated that the economic costs of both fatal and nonfatal police-reported crashes involving drivers age 15 to 20 were approximately $40.8 billion. Our Nation

bears nearly three-fourths of these costs, primarily through medical expenses, increased insurance premiums, taxes, and lost worker productivity.

Yet these costs pale in comparison to the agony endured by parents, families, and friends of a teen driver whose life ends tragically and prematurely.

Brett Karlin's family, despite their immense pain and grief, made the generous decision to donate Brett's organs, providing the opportunity for others to live. That opportunity to give the gift of life often comes in the wake of sudden tragedy. When families embrace that opportunity, organ donation often provides renewed hope for the donor's family as well as for the recipients whose lives are saved by the donation.

A new person is added to the national organ donation waiting list in America every 13 minutes, and sadly, 17 people each day die waiting for transplants that cannot take place because of the shortage of donated organs. Illinois is fortunate to have the country's largest donor registry with more than 6 million participants. Although tremendous strides in promoting organ donation have been made, more than 320 Illinois residents died in 2004 while waiting for an organ transplant.

I commend Brakes for Brett for its valuable educational efforts. Today we remember Brett Karlin's life and honor him by recommitting ourselves to teen driver safety education and organ donation. Through these and similar efforts, we can make great strides to preserve young lives that might otherwise be lost.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2005 budget through July 26, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 Concurrent Resolution on the Budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by $4.986 billion in budget authority and by $27 million in outlays in 2005. Current level for revenues is $407 million above the budget resolution in 2005.

Since my last report dated June 30, 2005, the Congress has cleared and the President has signed the TANF Extension Act of 2005, P.L. 109–19, the Surface Transportation Act of 2005, Part II, P.L. 109–20, the Surface Transportation Act of 2005, Part III, P.L. 109–35, and the Surface Transportation Act of 2005, Part IV, P.L. 109–37 which changed budget authority and outlays.

I ask unanimous consent that the report be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through July 26, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006.

Since my last letter, dated June 29, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

TANF Extension Act of 2005 (Public Law 109–19); Surface Transportation Extension Act of 2005, Part II (Public Law 109–20); Surface Transportation Extension Act of 2005, Part III (Public Law 109–35); and Surface Transportation Extension Act of 2005, Part IV (Public Law 109–37).

In addition, a correction was made to the final scoring of the Surface Transportation Extension Act of 2005 (P.L. 109–14). The estimate of budget authority was reduced by $28 million for fiscal year 2005.

Sincerely,

ELIZABETH M. ROBINSON,
(For Douglas Holtz-Eakin, Director).

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF JULY 26, 2005

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,996.6	1,991.6	−5.0
Outlays	2,023.9	2,023.9	*
Revenues	1,483.7	1,484.1	0.4
OFF-BUDGET			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2 of Table 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Note: * = less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF JULY 26, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:[1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions:	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2]	−1,058	4	41
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Surface Transportation Extension Act of 2005, Part III (P.L. 109–35)	3	0	0
Surface Transportation Extension Act of 2005, Part IV (P.L. 109–37)	5	0	0
Total, enacted this session:	−938	49	41
Total Current Level [2, 3]	1,991,589	2,023,858	1,484,065
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements [4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	407
Current Level Under Adjusted Budget Resolution	4,986	27	n.a.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

Notes: n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

Source: Congressional Budget Office.

CHANGES TO 302(a) ALLOCATIONS AND SPENDING LIMITS

Mr. GREGG. Mr. President, the President's fiscal year 2006 budget request includes four cap adjustments to encourage adequate funding for program integrity efforts. In each of the four programs, continuing disability reviews, IRS tax enforcement, health care fraud and abuse control, and unemployment insurance, additional funding dedicated to program integrity can reduce improper payments and return money to the treasury. For example, the administration estimates that

each $1 expended on continuing disability reviews returns $10 to taxpayers.

Consistent with the President's request, section 404b of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, permits the chairman of the Senate Budget Committee to make adjustments to the 302a allocations to the Appropriations Committee and discretionary spending limits when certain conditions are met relating to appropriations levels for these four program integrity initiatives. I note that our distinguished ranking member, Senator CONRAD, is a real leader in the area of tax enforcement and worked to ensure that our congressional budget included $446 million to address the tax gap.

These conditions having been met in the reported Labor, HHS, Education, and Transportation, Treasury, Judiciary, HUD appropriations bills, I ask consent to insert a table into the RECORD which reflects the revised discretionary spending limits and 302a allocations to the Senate Appropriations Committee. The revised allocations for discretionary budget authority and outlays are the appropriate levels to be used for enforcement during consideration of the fiscal year 2006 appropriations bills.

I ask unanimous consent to have the following chart printed in the RECORD.

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

ADJUSTMENTS TO FY 2006 302(a) ALLOCATIONS TO THE SENATE COMMITTEE ON APPROPRIATIONS AND 2006 DISCRETIONARY SPENDING LIMITS

[$ in millions]

	Initial allocation/cap	Adjustment	New allocation/cap
Discretionary BA	842,265	755	843,020
OT	916,081	755	916,836

THE UNITED STATES AND NEPAL

Mr. LEAHY. Mr. President, I rise to speak about the situation in Nepal, which has received too little attention by the Congress.

I will not take the time to discuss in detail the history of this tiny country wedged between China and India. Suffice it to say that not only is Nepal among the world's least developed countries, it is also facing a ruthless Maoist insurgency and a political crisis instigated by King Gyanendra which together threaten to turn Nepal into a failed state.

Last year, after receiving disturbing reports of widespread human rights violations by the Royal Nepalese Army, including arrests, disappearances, torture and extrajudicial killings of civilians, the Congress imposed a number of conditions on our military aid to Nepal. Those conditions required the Nepalese Government to (1) comply with habeas corpus orders issued by the Supreme Court of Nepal; (2) cooperate with the National Human Rights Commission to identify and resolve all security related cases of individuals in government custody; (3) grant the National Human Rights Commission unimpeded access to all places of detention; and (4) take effective steps to end torture by security forces and prosecute members of such forces who are responsible for gross violations of human rights.

Unfortunately, not only have those conditions not been met, the situation was made significantly worse on February 1 when King Gyanendra, with the backing of the security forces, dissolved the multiparty government, arrested and jailed political opponents, human rights activists and journalists, and declared a state of emergency. The state of emergency has since been lifted, but civil liberties, including freedom of the press and association, remain restricted, the former Prime Minister has been jailed for corruption by an extrajudicial, politically motivated anticorruption commission, and arrests of journalists and democracy activists continue.

Speaking with one voice, the United States, Great Britain, and India condemned the King's actions as a setback for democracy. They said it would make it more difficult to resolve the Maoist problem, and each country imposed varying types of restrictions on military aid. Since then, however, the American Embassy has adopted a more nuanced approach, sending mixed messages that have been widely interpreted as giving equal consideration and validity to the views and actions of the King and the political parties. Unfortunately, the impression today of Nepalese pro-democracy and human rights activists is that the United States is not fully behind them.

The army insists it is complying with habeas corpus orders of the supreme court. This is deceiving, however, because the security forces, often in plain clothes, have been re-arresting people who the court has ordered released. In some instances they have waited at the courthouse steps to take people back into custody immediately after they are set free by the court. Since these arrests are often made without charges, the whereabouts and treatment of these people is often unknown.

In April, the term of the National Human Rights Commission expired and the Government reconstituted the Commission in a manner that was incompatible with the 1990 Nepalese Constitution. The membership of the Commission has also changed, with the exception of the chairman. Not surprisingly, none of the current members, appointed by the palace, expressed publicly any disagreement with the King's February 1 actions, including the arrests and curtailing of civil liberties. The chairman of the Commission even expressed support for the King's actions. This has caused legitimate concerns about the Commission's independence.

There is conflicting information about the Government's cooperation with the National Human Rights Commission in resolving security related cases of persons in custody. According to human rights groups, the situation has not improved. The Commission has said it is getting better access to places of detention, but it is not clear how meaningful this access is. We know there are large numbers of people who have disappeared, yet we are informed that when members of the Commission visit army barracks they have seen few detainees, are led around by army escorts, and that some barracks where detainees were reported to be held were completely empty. There is a concern that the army is summarily executing prisoners. Meanwhile, the International Red Cross has suspended its visits to prisoners because of the army's failure to provide the access it requires.

The issue of ending torture and prosecuting members of the security forces who commit gross violations of human rights is also difficult to assess. According to human rights groups, torture is routinely practiced and impunity remains the norm. The army claims it disciplines its members who violate human rights, but many of the cases it cites do not involve human rights violations. According to the army officer who heads the army's human rights cell, complaints about human rights violations by the army are ''much ado about nothing.'' Those words speak volumes.

Under our law, the Secretary of State is to determine whether the conditions have been met. As a sponsor of the law, I would expect that prior to making any determination she would consult with representatives of reputable human rights groups, including the U.N. High Commissioner for Human Rights, as well as with the British and Indian Governments. It is important that we and they be seen as united on these issues. In that regard, I would hope that she would consider the implications of such a determination in the context of the larger political crisis. We do not want to do anything that could be seen as further evidence that the United States supports the King when he is using the army and police to crush the forces of democracy.

Last week, the Senate revisited the conditions on our military aid for Nepal. Since those conditions were enacted prior to February 1, they have in large measure been eclipsed by subsequent events. The Senate determined that modifications were needed, and those changes were adopted unanimously on July 20, 2005, in an amendment to the fiscal year 2006 State-Foreign Operations-appropriations bill.

Nepal is a breathtakingly beautiful country facing immense challenges. The majority of its people are illiterate, subsistence farmers who are caught between the Maoists, who extort money and food, forcibly recruit their children, and commit atrocities, and the army which mistreats and often shoots those suspected of sympathizing with the Maoists.

The King, while professing to support democracy, seems determined to take the country back to the pre-1990 feudal days. This is not the first time he has dismissed the Prime Minister, and since February 1 he has surrounded himself with elderly advisers from the Panchayat era. He has ignored repeated urgings by our ambassador, and other governments, to sit down with representatives of the political parties to develop a plan for the prompt restoration of multiparty democracy.

As in any country where multiparty democracy has existed for only a decade and a half, Nepal's fledgling political parties suffer from internal divisions and are struggling to establish their credibility with the Nepalese people. This should surprise no one. Democracy is never perfect, and that is particularly true in an impoverished, isolated kingdom whose people have been ruled by a monarchy that ignored their needs for centuries. Yet, despite these obstacles, Nepalese journalists, political activists and civil society continue to speak out.

What is the alternative? A Maoist ''people's republic'' that could plunge Nepal into darkness? A return to an active monarchy that is accountable to no one?

Nepal is at an historic juncture. The Maoists have made steady gains over the past decade. Once a minor irritant, today they are a national menace. Even since 2001, when King Gyanendra ascended the throne and became commander in chief of the army, the Maoists have grown stronger. Although they are unable to hold territory or to seize power in Katmandu, they pose an increasing threat to the security and livelihoods of Nepal's people.

The King has made a tragic blunder, and the Nepalese people are paying a heavy price.

Former Prime Minister Deuba is in prison, which the State Department has rightly called a setback for democracy. This week there were new arrests. On July 25, several dozen journalists and civil society leaders were arrested and detained for over 24 hours during a peaceful protest. On July 27, a pro-democracy student leader, Gagan Thapa, was arrested while attempting to visit fellow detained student leaders. Mr. Thapa is reportedly being held on suspicion of sedition. His arrest is a threat to all democracy activists and should be strongly condemned by the State Department.

The King's strongest card is the army, but it lacks an effective counter-insurgency capability, it cannot defeat the Maoists in territory as rugged and isolated as parts of Afghanistan, and it has abused and alienated the very people it is supposed to protect. The army needs to demonstrate that it is worthy, if it wants U.S. support.

Earlier this year, in order to avoid criticism at the U.N. Human Rights Commission, the King agreed to permit the U.N. High Commissioner for Human Rights to open an office in Nepal and deploy human rights monitors. This is a welcome development, which the U.S. should strongly support. If the UN monitors are provided with unimpeded access, they should be able to determine if the Maoists are prepared to stop attacking civilians and recruiting children, and if the army is serious about respecting international humanitarian law.

Recently, the U.N. Secretary General's Special Adviser traveled to Nepal to assess the situation. He concluded that a solution to the crisis rests on three elements: ''a return to constitutional order and multiparty democracy, an end to hostilities, and inclusive national dialogue towards a negotiated solution to the underlying causes of conflict.'' The U.N. has a long history in Nepal, and it could play a key facilitating role on each of these elements. I would hope that the State Department would publicly support this.

No one should minimize the challenges. The Maoists have yet to demonstrate that they are ready to abide by a ceasefire, which should be a prerequisite for negotiations on their political demands. But our policy should be unambiguous. Democracy is the only viable alternative, and we should make clear that we unequivocally reject the King's imperial ambitions, that the days of an active monarchy are over, and that we support the political parties. Whether that means the restoration of the 1999 Parliament or the formation of a new constituent assembly, is for the Nepalese people to decide, but there should be no doubt that we support a political process that is open, transparent, inclusive and accountable to the people.

Democracy and dialogue are the key to peace in Nepal, and we should do everything possible to reaffirm our willingness to work with the political parties, with Nepalese civil society, the Indian Government, the British Government, other key countries, and with the United Nations, towards that end.

I ask unanimous consent that the amendment, which if agreed to by the Senate-House conference committee will apply to U.S. military aid for Nepal for the fiscal year beginning October 1, 2005, be printed in the RECORD.

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

NEPAL.—

(1) The Congress condemns the Maoist insurgency's atrocities against civilians, including torture, extrajudicial killings, and forced recruitment of children.

(2) The Congress recognizes the difficulties the Royal Nepalese Army (RNA) faces in countering the Maoist threat, but deplores the violations of human rights by the RNA.

(3) Funds appropriated under the heading ''Foreign Military Financing Program'' may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Government of Nepal, including its security forces:

(A) has released all political detainees, including those detained before February 1, 2005;

(B) has restored civil liberties, including due process under law, freedoms of speech, the press and association, and the right of movement;

(C) has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable for the return to multiparty, democratic government consistent with the 1990 Nepalese Constitution;

(D) is ensuring that the Commission for Investigation of Abuse of Authority is receiving adequate support to effectively implement its anti-corruption mandate and that no other anti-corruption body is functioning in violation of the 1990 Nepalese Constitution on international standards of due process;

(E) has determined the number of and is complying with habeas corpus orders issued by Nepal's Supreme Court and appellate courts, including all outstanding orders, and the security forces are respecting these orders;

(F) is restoring the independence of the National Human Rights Commission of Nepal (NHRC) in accordance with constitutional provisions, including providing adequate funding and staff;

(G) is granting civilian prosecutors and judicial authorities, the NHRC, the Office of the United Nations High Commissioner for Human Rights in Nepal, and international humanitarian organizations, unannounced and unimpeded access to all detainees, witnesses, relevant documents, and other requested information, and is cooperating with these entities to identify and resolve all security related cases involving persons in government custody; and

(H) is taking effective steps to (i) ensure that Nepalese security forces comply with the Geneva Convention on Law of Land Warfare; (ii) end torture, extrajudicial killings, and other gross violations of human rights; and (iii) prosecute and punish, in a manner proportional to the crime, members of such forces who are responsible for such violations.

(4) The Secretary of State may waive the requirements of paragraph (3) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interests of the United States.

IN MEMORIAM: POLICE OFFICER NELS DANIEL NIEMI

Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of the late Nels Daniel Niemi, an officer with the city of San Leandro Police Department. Officer Niemi was a 3-year veteran of the San Leandro Police Department who dedicated his life to his family, community, and Nation. He was tragically killed in the line of duty on July 25, 2005.

Officer Niemi was born 42 years ago in Guam. A graduate of De La Salle High School in Concord, CA, Officer Niemi first worked as a network administrator in the computer industry. Officer Niemi also taught self-defense and gun-awareness classes, which raised his longtime interest in law enforcement. Four years ago, he decided to switch careers, and enrolled in the Police Academy. An officer with the San Leandro Police Department for the last 3 years, he excelled at his job. He was a dedicated and caring officer, who often used his computer expertise in investigations. Through his hard work

and dedication to public safety, Officer Niemi earned the respect and admiration of those with whom he worked.

Officer Niemi will long be remembered for his courage, service, and bravery. He will be missed by all who knew him. Officer Niemi is survived by his parents Rudie and Mildred Niemi; brother Jim; wife Dionne; daughter Gabrielle; and stepson Josh Hewitt. I extend my deepest sympathies to his family.

HUMANITARIAN CRISIS IN NIGER

Mr. FEINGOLD. Mr. President, I rise to express my deep concern about the unnecessary suffering that is occurring in the African country of Niger. Last year's severe drought and locust infestation destroyed most of Niger's harvest and the fodder necessary for keeping livestock. As a result, an estimated 3.6 million people including 800,000 children under the age of 5—are now facing starvation. Aid workers in the field describe the situation as desperate, and report that children are dying daily and families have turned to a diet of acacia leaves and grass.

I urge the administration to continue to respond and to work with other donors to ensure Niger's humanitarian needs are met. In particular, it is crucial that USAID make certain the recently announced $7 million in additional emergency funds go immediately towards alleviating the hunger in the hardest hit areas: the agro-pastoral regions of Maradi and Tillaberi and the pastoral regions of Tahoua and Zinder. Reportedly, there is a shortage of therapeutic feeding centers and clinics, and weakened villagers cannot manage the travel required to reach them.

We also need to address long-term food security issues in the Sahel, where drought and famine regularly afflict these poorest nations. Earlier this year I traveled to three of Niger's neighbors—Algeria, Mali, and Chad. I heard firsthand accounts of how devastating the locust crisis was, and I heard a consensus regarding the need for permanent mechanisms to facilitate crisis response and to prevent emergencies in the future. As the tragedy in Niger demonstrates, even when governments, international organizations, and NGOs are able to anticipate food insecurity almost a year in advance and implement their assistance programs, we can still have a crisis. Unfortunately, it sometimes takes media coverage of already emaciated children to jolt donor countries into emergency action. We need to remain alert and responsive to World Food Program appeals for extra funding before the starvation begins, and we need to stay committed to long-term efforts to improve food security throughout the region.

ADDITIONAL STATEMENTS

HONORING GUS FLOROS

• Mr. ALLEN. Mr. President, today I would like to honor a wonderful Virginian and American, Mr. Gus Floros, who this year is celebrating his 50th Anniversary of immigrating to America.

Born on May 25, 1928, in Greece, Gus Floros immigrated to the United States in 1955 settling in Harrisonburg, VA. He quickly went to work in his aunt and uncle's restaurant, Jess' Lunch, on Main Street in Harrisonburg. By 1967 he had purchased the restaurant and with a hands on approach and a commitment to excellence, he made Jess' Lunch one of Harrisonburg's finest eating establishments. Gus has expanded Jess' Lunch dramatically and in 2003 even built a sister location called Jess' Lunch 2.

Gus Floros is a fine example of the great American dream coming true. He is an inspiration to many. Upon his arrival in America, Gus had just one dollar in his pocket. Today he owns two successful restaurants in Harrisonburg that attract both local residents and those who are passing by on interstate 81. Through his entrepreneurial spirit, Gus Floros has made Jess' Lunch an eatery known across the Commonwealth. I often stop in to see Gus and have one of his tasty hotdogs or hamburgers whenever I am in Harrisonburg. You can always find quick, friendly service and a satisfying meal at Jess' Lunch and Gus is always there working just as hard as he did back in 1955.

I congratulate Gus Floros on 50 years of prosperity and good fortune, and I wish him continued success as he continues to serve the residents of Harrisonburg with a warm smile and a hearty meal.•

TRIBUTE TO JIM BERNSTEIN

• Mr. BURR. Mr. President, I rise today to discuss a North Carolinian who passed away on June 12, 2005, but will always be dear to our hearts. Jim Bernstein's work ended as it began—in selfless service to underserved communities in need. A career arc that began with volunteer service with the U.S. Peace Corps in Morocco ended with post-retirement volunteer service to the North Carolina Department of Health & Human Services' rural health initiatives. In between, Jim provided the Nation and the State of North Carolina with more than 30 years of distinguished leadership in a variety of health and social policy arenas, including rural health, health care finance, public health, social service delivery, medicaid, nonprofit management and health care system innovation.

After earning a bachelor of arts degree in political economy from John Hopkins University in 1964 and a masters of hospital administration from the University of Michigan in 1968, Jim began his lifelong health care service as the director of Indian Health Services for Northern New Mexico. In 1970, he was awarded a 3-year fellowship in the U.S. Public Health Service, and relocated to North Carolina to concentrate his studies on rural health and fuel a passion that would serve as the basis for the next 35 years of his career.

In 1973, while still in his 20's, Jim became the director of the Nation's first Office of Rural Health, located in North Carolina. In that role—which he held for nearly 30 years—Jim spearheaded the development and implementation of a medical recruitment service designed to help rural and medically underserved communities recruit physicians and other health care providers. Since then, more than 2,500 physicians, nurse practitioners, physicians' assistants, dentists and other health care professionals have been recruited to North Carolina. He also directed the development of 83 community-owned health centers, and led the creation of Community Care of North Carolina, a care management program that today provides access to high-quality, cost-effective care to more than 643,000 North Carolinians. Those efforts—and countless others—have positioned the State's rural health function as a nationally recognized model of excellence.

Throughout his career, Jim served as a director, chairman or consultant to more than two dozen professional organizations, including: National Rural Health Association, where he was president from May 1994 to May 1995; National Advisory Committee on Rural Health—U.S. Public Health Service, Office of Rural Health Policy, 1994 to 1995; Institute of Medicine—Committee for Guidance in Designing a National Health Care Disparities Report, Washington, DC 2001 to 2005; Commissioner, Prospective Payment Assessment Commission, where he was selected by the U.S. Congress to advise the body on Medicare finance; 1990 to 1996; chairman, Advisory Panel to the Office of Technology Assessment's Study on Rural Health Care, U.S. Congress; 1988; Delegate, National Medical Tour to the People's Republic of China, 1978; Consultant, National Academy of Sciences/Institute of Medicine—Task Force on Study of Health Needs in Egypt, Cairo, Egypt; 1978. His extraordinary commitment to lifelong community service to these and dozens of other organizations garnered him the North Carolina Order of the Long Leaf Pine in 2005.

In 1982, upon the recommendation of a State legislative study commission, Jim helped establish the North Carolina Foundation for Advanced Health Programs, Inc, NCFAHP. From 1982 to 2005, he served as the foundation's president, helping it spearhead projects targeting the health care needs of low-income underserved communities. Under Jim's leadership, NCFAHP secured more than 40 grants totaling more than $17 million, allowing it to

implement dozens of programs for enhancing health care delivery across the State. He also served as national director of the Robert Wood Johnson Foundation's Practice Sights Program through NCFAHP.

Before retiring in 2005, Jim had, since 2001, served as assistant secretary for Health at the N.C. Department of Health and Human Services. In that role, he oversaw the North Carolina Departments of Facility Services, Medical Assistance, Mental Health, Minority Health, Public Health and Rural Health. He also served as an adjunct professor at the University of North Carolina at Chapel Hill School of Medicine, Department of Social and Administrative Medicine; 1979 to 2005 and as an adjunct assistant professor at the School of Medicine at Duke University in Durham, NC, Department of Community and Family Medicine; 1978 to 2005.

Jim's impact on North Carolina will never be forgotten. He was a champion for rural health car and the belief that every individual should have access to high-quality health care.●

RECOGNITION OF BENNIE COOLEY

● Mr. CRAIG. Mr. President, I rise to recognize an outstanding marksman and employee at Idaho National Laboratory: Bennie Cooley, who with teammate Todd Salmon has recently won the 2005 World Sniper Championship.

Bennie Cooley is no stranger to such competitions, as he currently holds three world titles and seven national titles within the shooting disciplines, but this competition was particularly special to him because many of the participants were some of the finest members of our Armed Forces and the national law enforcement community. Like him, I believe that all these competitors are world champions in their own right.

Bennie has made a career at the Idaho National Laboratory, beginning as a security police officer for the Laboratory before moving to the Laboratory's special response team where he became a team leader. He is now a firearms safety engineer, ''part of a team that makes security successful, especially in the safety realm . . . able to articulate anything that's necessary to help keep us safe,'' according to one of his superiors, because of his knowledge of firearms.

Respect for firearms and marksmanship have been important qualities throughout our Nation's history and it is rewarding to see those values preserved and practiced by people like Bennie Cooley.

As Mr. Cooley continues to assure the safety of Idaho National Laboratory and to demonstrate his excellence in the art of marksmanship, I wish him good luck and offer congratulations and thanks for his dedication to public service.●

350 YEARS OF JEWISH LIFE IN AMERICA

● Mr. DEWINE. Mr. President, I rise today to congratulate the Jewish community on 350 years of Jewish life in America. In September of 1654, 23 Jews founded the first Jewish community in America when they sailed to what was then New Amsterdam. The Jewish community in this country has a rich and fascinating history, surmounting numerous obstacles and working diligently to make great contributions to our Nation. I offer my sincerest congratulations to the Jewish community on reaching this important milestone and express my endorsement of the 350th Rabbinical Resolution and ask that it be printed in the RECORD.

The resolution follows:

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

Let it be known that in Elul 5764 (September 2004) the Jewish community of the United States began a year long commemoration marking the 350th Anniversary of Jewish settlement in this country.

With the help of God and under the protection of the Constitution of the United States, we have lived and prospered in this land. We have been an integral part of American life. We have worked with all other Americans in the never-ending effort to keep secure the democratic way of life. Our ancient prophetic ideals and the teachings of our sages serve as cornerstones of this Nation's values. Our work, our hopes, and above all, our living religion have been among our proudest offerings to the American community.

In some lands across the seas the Jewish people have felt the searing flame of prejudice, persecution and death. The American Jew has had the sad, yet inspiring opportunity to bring comfort to the oppressed, the joyous opportunity to participate in the reconstitution of the Jewish state on the ancient soil of Israel, and the inescapable and ennobling responsibility to mend the broken places in our world.

Even as we have worked for the well-being of our people abroad, the Jewish people in America have struggled to preserve our noble heritage, our historic traditions, our ancient teachings, our ethics, and our spiritual ideals in the free climate of our Nation.

Mindful of our manifold blessings and with deep gratitude in our hearts to the God of Israel, who, in 1654, led our forebears to the shores of this great new land,

We have proclaimed the period from Elul 5764 (September 2004) through Elul 5765 (September 2005) to be one of special thanksgiving, prayer, study, reflection and celebration to mark the 350th Anniversary of Jewish Communal Life in America. We call on all American Jewry to participate in the observance of this anniversary; to thank God for the bountiful blessings that have been bestowed on us in this remarkable land. Let us express our collective hope that peace, security, and prosperity will reign in our Nation for all.

May the principles of freedom and liberty that have been the lodestar values of this great Republic continue to radiate their blessings on our Nation.

Central Conference of American Rabbis

Rabbi Harry Danziger, President

Rabbinical Assembly

Rabbi Perry Raphael Rank, President

Rabbinical Council of America

Rabbi Dale Polakoff, President

Reconstructionist Rabbinical Association

Rabbi Brant Rosen, President.●

RETIREMENT OF DR. BRUCE HALVERSON

● Mr. JOHNSON. Mr. President, I rise today to recognize and honor Dr. Bruce Halverson on the occasion of his retirement as president of Augustana College in Sioux Falls, SD.

Dr. Halverson, a native of Sioux Falls, is the first alumnus to ever serve as Augustana's president. As a member of the class of 1966, he majored in speech and drama, earning cum laude distinctions. He continued his education at the University of Washington where he secured his Ph.D. in theater history in 1971.

Following graduation, Dr. Halverson compiled an impressive resume, including an array of educational and theatrical credits. As a theater director throughout the 1970s, 1980s and 1990s, he worked with award-winning actors, producing and directing pieces he occasionally even co-authored. In addition to his professional stage work, Dr. Halverson served as dean of the School of Theatre at Florida State University, as well as artistic director and chairman of theater departments at various universities, including the University of Illinois, Grinnell College, and Ithaca College. Moreover, he was director of education at the National Institute for the Deaf, where he displayed his skills and dedication as an educator and advocate of equal opportunity. Most recently, Dr. Halverson has shown his commitment to South Dakota by returning to his alma mater in 2000 as the 22nd president of Augustana College.

During his presidency, Augustana implemented $13 million in projects to expand the campus, including constructing the Fantle Building for the Center for Western Studies, enhancing the Elmen Center, and creating the Center for the Visual Arts. A new football training facility is also in progress. Under Dr. Halverson's leadership, Augustana's $50 million Sunrise Capital Campaign is expected to successfully conclude around the time of his retirement. Further, he has been praised for his work in securing a record number of State scholarships for Augustana students. In recognition of his dedication to the college, Augustana's board of trustees asked

Dr. Halverson to continue his work with the school following his retirement. As the school newspaper, Augustana Today, notes: Halverson has laid the groundwork for his successor by enhancing Augustana's financial viability, encouraging faculty research, undertaking strategic planning, and strengthening alumni support.

Additionally, Dr. Halverson is a steadfast proponent of eliminating barriers for people with disabilities, particularly concerning theater and the arts. His compassion and outspoken commitment have moved him to write extensively on the topic, as well as travel all over our country, speaking and presenting at various conferences. As Augustana's first president proficient in sign language, it is clear that Dr. Halverson personifies his values and takes to heart his role as an educator.

Mr. President, it is an honor for me to share the impressive accomplishments of Dr. Bruce Halverson with my colleagues. I commend him for his tireless dedication to theatre, education, and enhancing the arts, especially in the State of South Dakota. The lives of countless people have been enormously enhanced by Dr. Halverson's talent and leadership as president of Augustana College. I wish the very best for him, his wife Nancy, and their three sons Tait, Jeffry and Cole, as Dr. Halverson continues to contribute to and improve education throughout South Dakota. ●

HONORING THE CITY OF ALEXANDRIA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the city of Alexandria, SD. This year marks the 125th anniversary of the founding of Alexandria, and from August 14 through August 18, its citizens will gather to celebrate their proud past as well as their hope for a promising future.

Located three miles from the banks of the James River in southeast South Dakota, Alexandria was originally named Clarksville after Dearborn Clark, who donated the land upon which the town was built. It was renamed Alexander in 1879, and later changed to Alexandria, to honor Alexander Mitchell, the president of the Chicago, Milwaukee Railway. The first buildings were built in 1880, and the city was officially incorporated in 1883. Later that decade, Alexandria was named county seat of Hanson County, a title it still maintains.

The frontier town grew quickly in the following years, and by 1893, the population exceeded 1,000 people. Enjoying a robust agricultural economy, Alexandria shipped more than 1,000 boxcars of grain annually. In 1914, the city purchased an electric generator, and local businessmen financed a $1,200 project to make Alexandria one of the first communities in South Dakota with electric streetlights. In 1885, the city applied to become the State capital, but came in fourth in the voting.

Since the boom years of the early 1900s, economic circumstances have, of course, changed. Still, Alexandria continues to provide essential services and support to local farmers and ranchers. The rugged days of pioneer life have ended, but the residents of this extraordinary community continue to exemplify the bold and enterprising pioneer spirit.

In her book, Hanson Heritage, Mildred Soladay celebrates the courage of the settlers who founded Alexandria: ''They had no past,'' she writes, ''but the infinite future lay before them.'' Today, the citizens of Alexandria do indeed have a past worthy of celebration, yet as they commemorate their city's 125th anniversary, the promise of their future remains infinite.●

MAYOR HARRY MIMS

● Ms. LANDRIEU. Mr. President, today I wish to say a few words about one of Louisiana's finest public servants, Mayor Harry Mims of East Hodge. Mayor Mims recently celebrated his 91st birthday and has dedicated the past 37 years to the people of East Hodge as their mayor. First elected in 1968, he has the distinction of being the first and so far only mayor of this community, population of 366. In fact, some say that if it I were not for Harry Mims, there would not be an East Hodge as he was instrumental in the city's founding.

Mayor Mims' motto that has made East Hodge thrive is one many small town politicians understand, when there is work to be done, ''You have to do it yourself.'' One of the best examples of his drive to bring to East Hodge some of the amenities and services enjoyed by their neighbors is his unyielding efforts to pave the streets of East Hodge. At one point in recent history, the streets were too narrow for cars to pass. The mayor wrote grant after grant to find the money he needed to manage this small community and as a result of his tenacity, they now have a new town hall, a large water system, two apartment buildings, a fire station, two trucks and a community center.

Last Saturday, the Louisiana Chapter of the National Conference of Black Mayors honored Mayor Mims for his years of service to the people of East Hodge and the State of Louisiana. Mayor Mims told them he plans to run for 8 more years, if the Lord will allow him to. It is my fervent prayer that the good Lord allows Mayor Mims to continue to serve the people of East Hodge as he has so diligently for the past 37 years and that he does so in the best of health. As the daughter of a Mayor, I know that the people of East Hodge join me in this prayer. Thank you Mayor Mims, for all that you have done and continue to do for the people you serve.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on July 27, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 3453. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act of the 21st Century.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on July 27, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 3453. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

Under authority of the order of July 27, 2005, the enrolled bill was signed on July 27, 2005, during the adjournment of the Senate, by the Acting President pro tempore (Mr. MCCONNELL).

MESSAGES FROM THE HOUSE

At 9:32 a.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. 3045. An act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

At 12:17 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 bills, in which it requests the concurrence of the Senate:

H.R. 1132. An act to provide for the establishment of a controlled substance monitoring program in each State.

H.R. 3204. An act to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools.

H.R. 3283. An act to enhance resources to enforce United States trade rights.

The message also announced that pursuant to section 306(k) of the Public Health Service Act (42 U.S.C. 242k), and the order of the House of Representatives to the National Committee on Vital and Health Statistics for a term of 4 years: Mr. Jeffrey S. Blair of Albuquerque, NM.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. STEVENS) announced that on yesterday, July 27, 2005, he had signed the following enrolled bills:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541. An act to direct the Secretary of Agriculture to convey certain land to Lander County, NV, and the Secretary of the Interior to convey certain land to Eureka County, NV for continued use as cemeteries.

H.R. 794. An act to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes.

H.R. 1046. An act to authorize the Secretary of the Interior to contract with the city of Cheyenne, WY, for the storage of the city's water in the Kendrick Project, WY.

The President pro tempore (Mr. STEVENS) announced that on yesterday, July 27, 2005, he had signed the following enrolled bill:

S. 544. An act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 6 to ensure jobs for our future with secure, affordable, and reliable energy.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 28, 2005, she had presented to the President of the United States the following enrolled bill:

S. 544. An act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate 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.

The message also announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 2985 making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 225. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3283. An act to enhance resources to enforce United States trade rights; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3045. An act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.R. 3204. An act to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools.

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–3268. 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; Coldfoot, AK'' ((RIN2120–AA66) (2005–0144)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3269. 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; Kaltag, AK'' ((RIN2120–AA66) (2005–0146)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3270. 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; Sutton, WV'' ((RIN2120–AA66) (2005–0149)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3271. 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; Perryville, AK'' ((RIN2120–AA66) (2005–0153)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3272. 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'' ((RIN2120–AA66) (2005–0160)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3273. 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 Airplanes, Equipped with an Auxiliary Fuel Tank Having a Fuel Pump Installed'' ((RIN2120–AA64) (2005–0310)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Kelly Aerospace Power Systems Part Number 14D11, A14D11, B14D11, C14D11, 23D04, A23D04, B23D04, C23D04, or P23D04 Fuel Regulator Shutoff Valves, ElectoSystems, JanAero Devices, Janitrol, C&D Airmotive Products, FL Aerospace, and Midland-Ross Corporation'' ((RIN2120–AA64) (2005–0315)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3275. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 Airplanes and Model EMB–145, 145ER, 145MR 145LR, 145XR, 145MP, and 145EP Airplanes'' ((RIN2120–AA64) (2005–0318)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rockwell International Models AT–6 (SNJ–2), AT–6A (SNJ–3), AT–6B, AT–6C (SNJ–4), AT–6D (SNJ–5), AT–6F (SNJ–6), BC–1A, SNJ–7, and T–6G Airplanes; and Autair Ltd., Model Harvard'' ((RIN2120–AA64) (2005–0320)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3277. 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) (2005–0309)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3278. 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 Series Airplanes'' ((RIN2120–AA64) (2005–0307)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3279. 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 757 Series Airplanes'' ((RIN2120–AA64) (2005–0308)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, and AS–365N3 Helicopters'' ((RIN2120–AA64) (2005–0323)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3281. 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. Arriel 2B Turboshaft Engines'' ((RIN2120–AA64) (2005–0322)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CT64–820–4 Turboprop Engines'' ((RIN2120–AA64) (2005–0321)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Corporation Model S–92A Helicopters'' ((RIN2120–AA64) (2005–0319)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hoffman Propeller GmbH and Co KG Models HO–V343 and HO–V343K Propellers'' ((RIN2120–AA64) (2005–0317)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3285. 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 AB412 Series Helicopters'' ((RIN2120–AA64) (2005–0316)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–300 Series Airplanes'' ((RIN2120–AA64) (2005–0314)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3287. 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 MD–90–30 Airplanes'' ((RIN2120–AA64) (2005–0313)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3288. 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 A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (2005–0312)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Model 328–300 Series Airplanes'' ((RIN2120–AA64) (2005–0311)) received on July 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–3290. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading'' ((RIN0581–AC44) (Docket No. PY–05–001)) received on July 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3291. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California; Establishment of Procedures for Exempting Handlers from Minimum Quality Testing'' (Docket No. FV05–983–4 IFR) received on July 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3292. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pistachios Grown in California; Establishment of Reporting Requirements'' (Docket No. FV05–983–1 FR) received on July 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3293. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''For-Profit Center Participation in the Child and Adult Care Food Program'' (RIN0584–AD66) received on July 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3294. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico'' (APHIS Docket No. 04–068–1) received on July 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3295. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the addition of benefits coverage for dependent children up to 25 years of age under the Federal Employees Health Benefits (FEHB) Program; to the Committee on Homeland Security and Governmental Affairs.

EC–3296. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Group Life Insurance Federal Acquisition Regulation'' (RIN3206–AI65) received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–131, ''Summer Youth Employment Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3298. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–132, ''Nuisance Properties Abatement Reform Amendment Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3299. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–133, ''Abatement of Nuisance Construction Projects Amendment Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3300. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–134, ''Uniform Real Property Electronic Recording Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3301. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–135, ''Removal from the Permanent System of Highways, Savannah Street, S.E., and the Dedication of Land for Street Purposes (S.O. 04–8736) Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3302. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–136, ''Closing of Patricia Roberts Harris Drive, N. E., in Square 4325, S.O. 03–5187, Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3303. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–137, ''Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3304. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–138, ''Utility Taxes Technical Corrections Temporary Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3305. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–139, ''Tobacco Settlement Model Amendment Act of 2005'' received on July 27, 2005; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

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 eligible persons born after December 18, 1971, and for other purposes (Rept. No. 109-112).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment and with a preamble:

S.J. Res. 15. A joint resolution to acknowledge a long history of official depredations 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 (Rept. No. 109-113).

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

S. 1280. A bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes (Rept. No. 109-114).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006'' (Rept. No. 109-115).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 103. A bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

Treaty Doc. 108–6—Protocol of Amendment to International Convention on Simplification and Harmonization of Customs Procedures (Exec. Rept. No. 109–2)

Text of Resolution of Ratification as recommended by the Committee on Foreign Relations: *Resolved (two-thirds of the Senators present concurring therein),* The Senate advises and consents to the accession to the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (the ''Protocol'') done at Brussels on June 26, 1999 (Treaty Doc. 108–6), including Specific Annexes A, B, C, D, E, and G; Chapters 1, 2 and 3 of Specific Annex F; and Chapters 3, 4 and 5 of Specific Annex J; subject to the reservations to certain Recommended Practices (as set forth in the enclosure to the report of the Secretary of State in Treaty Doc. 108–6) in Specific Annex A, Chapters 1 and 2; Specific Annex B, Chapters 2 and 3; Specific Annex D, Chapters 1 and 2; Specific Annex E, Chapters 1 and 2; Specific Annex F, Chapters 1, 2 and 3; Specific Annex G, Chapter 1; and Specific Annex J, Chapter 4.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

*Phillip Jackson Bell, of Georgia, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

*Keith E. Eastin, of Texas, to be an Assistant Secretary of the Army.

Air Force nomination of Lt. Gen. Norton A. Schwartz to be General.

Air Force nomination of Lt. Gen. John D. W. Corley to be General.

Air Force nomination of Maj. Gen. Kevin P. Chilton to be Lieutenant General.

Air Force nomination of Maj. Gen. Donald J. Hoffman to be Lieutenant General.

Air Force nomination of Maj. Gen. David A. Deptula to be Lieutenant General.

Air Force nomination of Lt. Gen. Victor E. Renuart, Jr. to be Lieutenant General.

Air Force nomination of Maj. Gen. John L. Hudson to be Lieutenant General.

Air Force nomination of Brig. Gen. Melissa A. Rank to be Major General.

Air Force nominations beginning with Brigadier General Ted F. Bowlds and ending with Brigadier General Roy M. Worden, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2005.

Air Force nominations beginning with Brigadier General Charles W. Collier, Jr. and ending with Colonel Jannette Young, which nominations were received by the Senate and appeared in the Congressional Record on June 8, 2005.

Army nomination of Lt. Gen. William E. Ward to be General.

Army nomination of Lt. Gen. Robert W. Wagner to be Lieutenant General.

Army nomination of Lt. Gen. Keith B. Alexander to be Lieutenant General.

Army nomination of Maj. Gen. Ronald L. Burgess, Jr. to be Lieutenant General.

Army nomination of Lt. Gen. David H. Petraeus to be Lieutenant General.

Army nomination of Maj. Gen. Martin E. Dempsey to be Lieutenant General.

Army nomination of Maj. Gen. William E. Mortensen to be Lieutenant General.

Army nomination of Lt. Gen. Claude V. Christianson to be Lieutenant General.

Army nomination of Maj. Gen. Scott C. Black to be Major General and the Judge Advocate General of the United States Army.

Army nomination of Maj. Gen. Daniel V. Wright to be Major General and the Assistant Judge Advocate General of the United States Army.

Army nomination of Brigadier General Jay W. Hood to be Major General.

Army nomination of Col. Douglas L. Carver to be Brigadier General.

Marine Corps nomination of Lt. Gen. Robert Magnus to be General.

Marine Corps nomination of Maj. Gen. John G. Castellaw to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Emerson N. Gardner, Jr. to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Joseph F. Weber to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Richard S. Kramlich to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John F. Goodman to be Lieutenant General.

Navy nomination of Rear Adm. Ann E. Rondeau to be Vice Admiral.

Navy nomination of Vice Adm. David C. Nichols, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Henry Balam Tomlin III to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Craig O. McDonald to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Ben F. Gaumer to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Raymond K. Alexander to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) David O. Anderson and ending with Rear Adm. (lh) Dirk J. Debbink, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Navy nomination of Rear Adm. (lh) Thomas K. Burkhard to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Donna L. Crisp to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Michael S. Roesner to be Rear Admiral.

Navy nomination of Capt. Donald R. Gintzig to be Rear Admiral (lower half).

Navy nomination of Capt. Raymond P. English to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Richard R. Jeffries and ending with Capt. David J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nominations beginning with Capt. Mark F. Heinrich and ending with Capt. Charles M. Lilli, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nomination of Capt. Michael D. Hardee to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Timothy V. Flynn III and ending with Capt. John C. Orzalli, which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Navy nomination of Capt. Tony L. Cothron to be Rear Admiral (lower half).

Navy nomination of Capt. Moira N. Flanders to be Rear Admiral (lower half).

Navy nomination of Capt. Michael A. Brown to be Rear Admiral (lower half).

Navy nominations beginning with Capt. Julius S. Caeser and ending with Capt. Garland P. Wright, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 4, 2005.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Thomas L. Blase and ending with Gregory L. Tate, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005.

Air Force nominations beginning with David J. Luther and ending with Meridith A. Warner, which nominations were received by the Senate and appeared in the Congressional Record on July 19, 2005.

Army nominations beginning with John M. Balas, Jr. and ending with Paul J. Warden, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Edward D. Arrington and ending with Clifton E. Yu, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Barry D. Bowden and ending with Craig N. Wiley, which nominations were received by the Senate and appeared in the Congressional Record on March 14, 2005

Army nominations beginning with William P. Adelman and ending with Joseph J. Zubak, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Army nominations beginning with Terry W. Austin and ending with Paul J. Yacovone, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Army nominations beginning with Scott W. Burgan and ending with Julie A. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Army nominations beginning with Monroe N. Farmer, Jr. and ending with Wendy C. Spriggs, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Army nominations beginning with Jerry R. Acton, Jr. and ending with Steven R. Mount, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Army nominations beginning with Maria E. Bovill and ending with Michael J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Army nominations beginning with Thelda J. Atkin and ending with Tami Zalewski, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Army nominations beginning with Christopher Amaker and ending with Stephen C. Wooldridge, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Army nominations beginning with Denise D. Adamsmann and ending with Robin A.

Villiard, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Army nominations beginning with Thomas H. Aarsen and ending with X3541, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Marine Corps nomination of Daniel J. Peterlick to be Lieutenant Colonel.

Marine Corps nominations beginning with Danny A. Hurd and ending with George C. Mclain, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nominations beginning with James W. Caldwell, Jr. and ending with Richard J. Papesca, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with David K. Chapman and ending with William V. Weinman, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nomination of Robert W. Worringer to be Captain.

Navy nomination of Melissa J. MacKay to be Captain.

Navy nominations beginning with Thomas J. Cuff and ending with Carven A. Scott, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Steven F. Momano and ending with Agustin L. Otero, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Larry Thomas and ending with David J. Wray, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Keri A. Buck and ending with William J. Wilson III, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Nicholas A. Filippone and ending with Nancy S. Vegel, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Edward Y. Andrus and ending with Thomas E. Stowell, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Rebekah R. Barrish and ending with Samuel G. Sumwalt, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Charles E. Adams and ending with Katherine A. Walter, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Walter J. Adelmann, Jr. and ending with Clayton G. Tettelbach, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Russell E. Allen and ending with Stephen E. Zini, which nominations were received by the Senate and appeared in the Congressional Record on April 6, 2005.

Navy nominations beginning with Anthony Cooper and ending with William S. Gureck, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Annie B. Andrews and ending with Susan L. Sherman, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Robert G. Bergman and ending with Philip G. Strozzo, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Scott D. Katz and ending with Paul C. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with William T. Ainsworth and ending with George D. Seaton, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Katherine M. Donovan and ending with Martha M. Warner, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Terry W. Auberry and ending with David B. Wilkie, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Nicholas V. Buck and ending with Mathias W. Winter, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Michael E. Devine and ending with Alvin C. Wilson III, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Raymond M. Alfaro and ending with Joseph Yusician, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Alan J. Abramson and ending with Douglas E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Navy nominations beginning with Carl J. Cwiklinski and ending with Robert P. Mcclanahan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Joseph A. Clements and ending with Garold G. Ulmer, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Jeffrey T. Borowy and ending with Julius C. Washington, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Dianne A. Archer and ending with Jeffery S. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Robert B. Blazewick and ending with Eric C. Price, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with William J. Adams, Jr. and ending with Steven J. Winter, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Gregory S. Blaschke and ending with David G. Wright, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Ioana Bettios and ending with Michael J. Wolfgang, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Linnea M. Axman and ending with Laurie L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with John G. Dillender and ending with Diane L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Jane D. Bingham and ending with Steven R. Morgan, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Gregory F. Becht and ending with Michael L. Zabel, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Deana L. Abernathey and ending with Linda J. Tieaskie, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Maureen E. Carroll and ending with Jacob R. Walker, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Thomas L. Amerson and ending with Kenneth E. Wavell, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Brian D. Hodgson and ending with Pomay Tsoi, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Gregory L. Belcher and ending with Wayne M. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Navy nominations beginning with Richard W. Haupt and ending with Alvin A. Plexico, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Ronald M. Bishop, Jr. and ending with Anthony S. Vivona, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Cheryl J. Cotton and ending with Tracy D. Whiteley, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Albert R. Costa and ending with Christopher S. Wirth, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with David J. Byers and ending with Marc T. Steiner, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Jason W. Carter and ending with Laura G. Yambrick, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Clifford W. Bean III and ending with Donna M. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Thomas J. Anderson and ending with Michael Ziv, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Jason L. Ansley and ending with Tracy A. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with Daniel A. Abrams and ending with John W. Wood,

which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with John C. Absetz and ending with John J. Zerr II, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2005.

Navy nominations beginning with James R. Martin and ending with Glen Wood, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Navy nominations beginning with Marjorie Alexander and ending with Maria A. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Navy nominations beginning with Eric M. Aaby and ending with Charles S. Willmore, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2005.

Navy nominations beginning with William D. Bryan and ending with Billy W. Sloan, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

Navy nominations beginning with Bruce H. Boyle and ending with Bradley E. Telleen, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

Navy nominations beginning with Jeffrey G. Ant and ending with Benjamin W. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

Navy nominations beginning with Syed N. Ahmad and ending with Barbara H. Zeliff, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

Navy nominations beginning with Anthony A. Arita and ending with Linda D. Youberg, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

Navy nominations beginning with James T. Albritton and ending with Todd E. Yanik, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

Navy nominations beginning with Thomas C. Alewine and ending with Tara J. Zieber, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2005.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*John C. Dugan, of Maryland, to be Comptroller of the Currency for a term of five years.

*John M. Reich, of Virginia, to be Director of the Office of Thrift Supervision for a term of five years.

*Christopher Cox, of California, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2009.

*Roel C. Campos, of Texas, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2010.

*Annette L. Nazareth, of the District of Columbia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

*Martin J. Gruenberg, of Maryland, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

*Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 27, 2006.

*Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring December 27, 2012.

By Mr. SPECTER for the Committee on the Judiciary.

Michael J. Garcia, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

Peter Manson Swaim, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

By Mr. CRAIG for the Committee on Veterans' Affairs.

Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

*James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals for a term of six years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. AKAKA:

S. 1521. A bill to provide for teacher acculturation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself, Mr. STEVENS, Mr. BURR, and Ms. MURKOWSKI):

S. 1522. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1523. A bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. FRIST, Mr. LOTT, Mr. BUNNING, Mr. SMITH, Mr. MARTINEZ, Mr. ENZI, Mr. VITTER, Mr. ENSIGN, Mr. BURR, Mr. TALENT, Mr. DEMINT, and Mr. SANTORUM):

S. 1524. A bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. CORZINE, Mr. SALAZAR, Mr. OBAMA, and Ms. MIKULSKI):

S. 1525. A bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mrs. CLINTON):

S. 1526. A bill to provide education to students in grades 7 through 12 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1527. A bill to amend the Public Health Service Act with respect to immunizations against vaccine-preventable diseases, including influenza, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for himself, Mrs. LINCOLN, and Mr. BUNNING):

S. 1528. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. McCAIN):

S. 1529. A bill to provide for the conveyance of certain Federal land in the city of Yuma, Arizona; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself and Mrs. MURRAY):

S. 1530. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself, Ms. MIKULSKI, Mr. COCHRAN, Mr. BAUCUS, Mr. GRASSLEY, Mrs. MURRAY, and Mrs. DOLE):

S. 1531. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. GRASSLEY):

S. 1532. A bill to amend title 18 of the United States Code to criminalize acts of agroterrorism, and to enhance the protection of the United States agricultural industry and food security through the increased prevention, detection, response and recovery planning; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 1533. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board of Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. AKAKA):

S. 1534. A bill to reduce the risk to the food supply from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 1535. A bill to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes; to the Committee on Indian Affairs.

By Mrs. MURRAY (for herself, Mr. KENNEDY, and Mrs. CLINTON):

S. 1536. A bill to provide certain members of the Armed Forces with a deferment of all loan payments under title IV of the Higher Education Act of 1965, and to provide such members with the option to reenroll in institutions of higher education after completion of their service; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA:

S. 1537. A bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER:

S. 1538. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1539. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

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

S. 1540. A bill to authorize the Secretary of the Army and the Secretary of the Interior to establish a program to improve water management and contribute to the recovery of endangered species in the Middle Rio Grande, New Mexico, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. LAUTENBERG, and Mr. LEVIN):

S. 1541. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. GRAHAM, Mr. BAYH, Mr. BAUCUS, and Mr. LEVIN):

S. 1542. A bill to amend the Trade Act of 1974 to create a Chief Trade Prosecutor to ensure compliance with trade agreements, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM:

S. 1543. A bill to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN:

S. 1544. A bill to establish the Northern Plains National Heritage Area in the State of North Dakota, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1545. A bill to withdraw the Los Padres National Forest in California from location, entry, and patent under mining laws, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 1546. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANTORUM:

S. 1547. A bill to suspend temporarily the duty on certain vinyl chloride-vinyl acetate copolymers; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1548. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; to the Committee on Energy and Natural Resources.

By Mr. SMITH:

S. 1549. A bill to improve the conservation and management of Pacific whiting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 1550. A bill to extend until September 30, 2008, changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Ms. STABENOW, and Mr. MCCAIN):

S. 1551. A bill to clarify that the overall trade negotiating objectives of the United States include avoiding provisions in trade agreements that restrict the access of consumers in the United States to pharmaceutical imports, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL:

S. 1552. A bill to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. MIKULSKI, and Ms. MURKOWSKI):

S.J. Res. 22. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. CORZINE, Mr. BUNNING, Ms. LANDRIEU, Mr. HATCH, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. LOTT, and Mr. DURBIN):

S. Res. 218. A resolution designating September 2005 and September 2006 as ''National Prostate Cancer Awareness Month''; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mrs. CLINTON, and Mr. CRAPO):

S. Res. 219. A resolution designating March 8, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. ALLEN, Mr. JOHNSON, Mr. BIDEN, Mr. KYL, Mr. BOND, Mr. COBURN, Mr. ALLARD, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. BINGAMAN):

S. Res. 220. A resolution to express the concern of the Senate regarding the passage of the anti-secession law by the National People's Congress of the People's Republic of China and Taiwan on an equal footing without preconditions; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Mr. SPECTER):

S. Res. 221. A resolution supporting the goals and ideals of ''National Campus Safety Awareness Month''; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. DEMINT, Mr. CORNYN, Mr. MARTINEZ, and Mr. LEAHY):

S. Res. 222. A resolution honoring the victories of Team Discovery and American cyclists Lance Armstrong and George Hincapie in the 2005 Tour de France; considered and agreed to.

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, Mr. JOHNSON, and Mr. ALLEN):

S. Res. 223. A resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

At the request of Mr. TALENT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 103, supra.

S. 246

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 467

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 627

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 705

At the request of Mr. SARBANES, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 705, a bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes.

S. 792

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 792, supra.

S. 802

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 802, a bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 974

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 974, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 985

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1002

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1002, supra.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) 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. 1151

At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1151, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, to support the deployment of new climate change-related technologies, and ensure benefits to consumers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1309

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1350

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1350, a bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services.

S. 1353

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1423

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1423, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Montana (Mr. BURNS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1520

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. OBAMA) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1520, a bill to prohibit human cloning.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1623

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1623 proposed to S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

AMENDMENT NO. 1626

At the request of Mr. KOHL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1626 proposed to S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1521. A bill to provide for teacher acculturation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am introducing the Teacher Acculturation Act of 2005 as a means to address an issue that impedes effective learning in our Nation's classrooms, and that is cultural incongruence. Such a lack of congruence exists in a wide range of situations, from rural and underserved communities in remote areas to well-populated urban centers, from my State of Hawaii to areas on the Eastern seaboard. The dynamic I am describing exists along lines of race and ethnicity, socioeconomic strata, age, and many other vectors, which can muddy the stuff of learning that needs to be transmitted between students aiming to learn and teachers seeking to teach.

As many of my colleagues and I have said many times, our children are our future. Furthermore, our great Nation is dependent on the success of our educational system and what it is delivering to our children. An essential part of our educational system is a highly qualified teacher with knowledge of the subject area, and the ability to teach that subject to students. This is the most important factor in the academic success of the student. My bill will address one attribute of that success: the ability of the teacher to present the lesson in a way that students are ready to learn it.

I started my professional life as a teacher, so improvement of the field of education is never far from my thoughts. Even after all of my teacher training, I remember walking into a classroom and thinking, ''What do I do now?'' and, ''Will I be able to connect with my students?'' I have never forgotten those thoughts. Through my bill, I hope to work to help teachers answer these and similar questions, particularly for those teachers who are placed in States that are new to them, or in parts of their home States with which they have little or no familiarity. In my State of Hawaii, according to an article published Monday in the Honolulu Advertiser, Hawaii's 258 public schools need 1,400 to 1,600 new teachers every year to replace those who retire or leave the system, particularly in the areas of special education, speech pathology, autism, and hearing impairment. However, only about 500 Hawaii teachers are graduating and earning their licenses every year from both public and private colleges, and many of them are being drawn away from the State to schools on the mainland. Recruiting trips by the Hawaii Department of Education are seeking hires in cities such as New York, Chicago, Los Angeles, and San Francisco. I would like to help to ensure the success of these and other teachers in similar situations across the country, to help smooth their adjustment to their new homes, and thus, make a fluid transition to their new classrooms.

The Teacher Acculturation Act seeks to address cultural incongruence between the teacher and the student population in the classroom. To be successful, the teacher must be prepared to teach in a way that students are ready to learn. And with a increasingly diverse student population, that becomes harder and harder as time goes by. To achieve these ends, the bill proposes programs in three parts.

The first two parts recognize the success of ongoing and sustained professional development to affect positive change in teaching pedagogy. The bill authorizes demonstration programs that aim to assist teachers in learning, developing, and implementing pedagogies that help all students learn. I have modeled the programs on the Lesson Study theory of change, which is a model that uses a cohort of professionals for lesson development, presentation of the developed lesson by a member of the cohort to a class, observation of the presentation by other members of the cohort, and post-presentation analysis and reflection by the entire cohort, along with coaches, mentors, and supervising practitioners. A group of teachers working together to improve their pedagogy has been shown to be very effective, and this model is becoming more popular at every level in teacher education and professional development, from classroom work in colleges of education, to cohort work by candidates for National Board Certification—the highest performance achievement available to a teacher in the United States.

The first demonstration program would take place during the time the prospective teacher is in a college or school of education, and introduces a multicultural awareness component into the pre-service teaching activities. In this program, prospective teachers would work with members of the community, trained academics, and practicing teachers to learn about cultural characteristics of the student population, to develop pedagogies and curriculum to fit those cultures, and to study how to deliver the new lessons in a culturally relevant style. Prospective teachers would then deliver these lessons to the students in a real classroom setting while student teaching. Post-teaching analysis, reflection, and discussion would then allow the student teacher to analyze and reflect upon the performance.

The second demonstration program is structured similarly to the first program, but conducts a professional development activity during the time the teacher is new to the profession—generally the first three years—recognizing that many teachers develop teaching styles in these initial years that they may use for the duration of their teaching careers. Through this program, a cohort of teachers would undertake a year-long program, which includes two summers, under the direction of a coach trained in multicultural education. Participating teachers would already be placed in teaching positions and have a defined learning community to work with. If done right, such a program has the potential to involve the whole school community and, eventually, contribute to whole school change.

These two programs taken together have the potential to develop a cadre of teachers adept at teaching in ways that are culturally-relevant, ways that address the needs of the students, and ways in which the students are ready to learn. I truly feel that such programs working with new and prospective teachers can make a difference in addressing the current achievement gap, particularly impacting the groups most at risk of being on the losing end of the achievement gap.

The third section of the Teacher Acculturation Act of 2005 would set up Centers of Excellence in Multicultural Education. These centers would support the professional development activities from the first two parts of the bill by providing trained mentors, coaches, and academics, as well as undertaking research into the areas of multicultural education. The centers would also develop activities for use by schools and districts to provide ongoing professional development opportunities to all faculty or teachers.

We must never forget that a solid education is the cornerstone of our future. And a highly qualified teacher is needed to provide that education. The teacher not only needs to be knowledgeable about the subject being taught, but needs to know how to teach the subject to the students. This bill would help address the question of how. It seeks to prepare the teacher to deal with groups of students with different learning styles, as well as to identify the needs of divergent groups of students and how to vary teaching to support the learning of these students. My bill seeks to improve learning among those groups who are underserved today. Although my bill alone would not eliminate the achievement gap, it seeks to provide a good start.

This bill is supported by leading experts and organizations in the field of multicultural education, including Ms. Joyce Harris, Executive director of the National Academy for Multicultural Education, Dr. James Banks of the Center for Multicultural Education at the University of Washington, and Dr. Randy Hitz, Dean of the College of Education at the University of Hawaii. I ask unanimous consent that their letters of support be printed in the RECORD. I ask unanimous consent that the text of the bill be printed in the RECORD.

I urge my colleagues to cosponsor this important piece of legislation.

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

NATIONAL ASSOCIATION FOR MULTICULTURAL EDUCATION,
Washington, DC, June 28, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: It is my understanding that you will soon present legislation dealing with teacher acculturation. On behalf of the National Association for Multicultural Education (NAME), I am extending our support for you and the legislation. What you are proposing is not only admirable but very necessary. Today's school populations are more diverse than they've ever been, and this diversity will only increase. Further, while the student body is becoming ethnically and racially more diverse, the teaching force is not.

Some will argue that the 3 R's are all teachers need to focus on, and students will be all right; but others of us know that this is not the case for a growing number of today's youth. What was fine decades ago will not necessarily work in today's schools.

NAME thanks you for your foresight and courage. I'm sure that you know you may have a Herculean task before you, but please keep the faith. This is so important to make

sure that ALL of our children succeed. With the No Child Left Behind Act and the cuts in some educational programs (for example, The Dropout Prevention Program—who is more than likely to drop out? The lower SES students and students of color!), is it especially important that we have people of your stature working to ensure that all of our children receive an equitable education.

I have seen your website. I've read about your many accomplishments on behalf of your Hawaiian constituency and for the American people at large. Again, please know that NAME stands behind you. Please contact me if there is anything that the organization or I may do for you as you go forward with. this legislation.

Sincerely,

JOYCE E. HARRIS,
Executive Director.

UNIVERSITY OF HAWAI'I
AT MANOA,
Honolulu, HI, June 23, 2005

Sen. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am writing to support the Teacher Acculturation bill you are introducing in the Senate. I have carefully reviewed the bill with faculty in the University of Hawai'i, college of Education, and we think it has great potential to improve education throughout the United States.

The relationship between the teacher and the student is the key to success in education. The Teacher Acculturation bill seeks to improve student achievement by ameliorating the cultural mismatch between teachers and the students they teach, thus improving the teacher's ability to address educational needs of individual students.

The University of Hawai'i, College of Education is heavily involved in indigenous education multicultural initiatives, and other efforts to ensure that teachers are well prepared to work with diverse populations of students. As one of the nation's most diverse states, Hawai'i has significant challenges in bridging cultural gaps between teachers and students. But, nearly every school in every state in the nation faces the challenge of bridging cultural differences between teachers and students. Your bill will create models for better preparing teachers to understand and address the learning needs of the diverse student populations they serve, thus improving their academic achievement.

Thank you for your leadership in preparing this innovative and important bill, and thank you for the opportunity to comment on the bill.

Sincerely,

RANDY HITZ,
Dean.

S. 1521

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

SECTION 1. TEACHER ACCULTURATION.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—TEACHER ACCULTURATION

"SEC. 231. SHORT TITLE.

''This part may be cited as the 'Teacher Acculturation Act of 2005'.

"SEC. 232. FINDINGS.

''Congress makes the following findings:

''(1) Every person (child, adolescent, or adult) has her or his own cluster of learning modalities.

''(2) These individual learning modalities are the result of many factors, including the person's cultural heritage, language, and socioeconomic background.

''(3) Research has shown that learning occurs best within a learning environment that closely matches a person's individual learning modalities.

''(4) There is a strong correlation between—

''(A) the lack of academic achievement of a student; and

''(B) a lack of congruence between—

''(i) the learning modalities of the student; and

''(ii) the teaching pedagogy of the teacher.

''(5) One of the factors that significantly impacts learning modalities is a student's culture.

''(6) A congruence between the cultural norms embedded in the teaching environment and the culture of a student has been shown to significantly improve the academic achievement of the student.

''(7) The teacher has the most control in setting the cultural environment of the classroom.

"SEC. 233. PURPOSE.

''It is the purpose of this part to develop a core group of teachers who are able to provide instruction in a way that is culturally congruent with the learning modalities of the students they are teaching, in order to—

''(1) ameliorate the lack of cultural congruence between teachers and the students they teach; and

''(2) improve student achievement.

"SEC. 234. DEFINITIONS.

''In this part:

''(1) INDUCTION PHASE.—The term 'induction phase' means the period when a teacher is new to the profession, the classroom, or a school.

''(2) IN-SERVICE PHASE.—The term 'in-service phase' means the period during and throughout the professional life of a teacher.

''(3) PRACTICUM PHASE.—The term 'practicum phase' means the period beginning with the last year of a teacher preparation program at an institution of higher education when the student is spending time in a prekindergarten through grade 12 classroom, and culminating at the end of the student teaching portion of the student's teacher preparation program.

''(4) SUPERVISING ACADEMIC.—The term 'supervising academic' means a member of the faculty of an institution of higher education who—

''(A) is designated to oversee, coordinate, and participate in the field placement or student teaching experience of a preservice teacher; and

''(B) works in conjunction with a supervising practitioner.

''(5) SUPERVISING PRACTITIONER.—The term 'supervising practitioner' means a prekindergarten through grade 12 teacher in a school who—

''(A) is designated to coach, observe, and evaluate a preservice teacher at the school during the preservice teacher's field placement or student teaching experience in the classroom; and

''(B) works in conjunction with the supervising academic.

"SEC. 235. MEASURE OF CULTURAL MISMATCH.

''The Secretary, in consultation with relevant educational and cultural governmental and nongovernmental entities and not later than 180 days after the date of enactment of the Teacher Acculturation Act of 2005, shall develop a measure of cultural mismatch for purposes of—

''(1) the demonstration program under section 236; and

''(2) the composition of partnerships described in sections 242 and 263.

"SEC. 236. DEMONSTRATION PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to carry out a demonstration program to investigate, develop, and test methods to attempt to ameliorate the cultural mismatch between teachers and the students they teach.

''(b) COMPONENTS.—The demonstration program shall consist of—

''(1) professional development activities occurring during 3 different phases of a teacher's professional life, including the practicum phase, induction phase, and in-service phase; and

''(2) the development of centers of excellence in multicultural education.

"Subpart 1—Induction Phase Component

"SEC. 241. GRANTS AUTHORIZED.

''In carrying out the demonstration program under this part, the Secretary is authorized to award grants to eligible partnerships to enable the eligible partnerships to carry out the induction phase component of the teacher preparation assisted under this subpart.

"SEC. 242. ELIGIBLE PARTNERSHIPS.

''In this subpart, the term 'eligible partnership' means a partnership consisting of—

''(1) a local educational agency, with a high percentage of students who have a cultural mismatch with the majority of the teaching staff at the schools served by the local educational agency, collaborating with—

''(A) a cohort of induction phase teachers from the local educational agency; and

''(B) members of a school community who are—

''(i) from the cultural background of the students to be taught by the teachers assisted under the grant; and

''(ii) knowledgeable about the cultural norms of the community; and

''(2) an institution of higher education or organization with expertise in multicultural education, collaborating with a mentor, coach, or facilitator who will work with the cohort described in paragraph (1)(A).

"SEC. 243. INDUCTION PHASE COMPONENT.

''An eligible partnership that receives a grant under this subpart shall use the grant funds to carry an induction phase component of the demonstration program that may include the following:

''(1) A summer workshop held during the summer prior to a program year (as described in paragraph (2)), in which participant teachers study the basics of the following:

''(A) Multicultural education.

''(B) The cultural norms of the students served by the local educational agency where the participant teachers will be teaching.

''(C) The history of the municipality and the cultural groups where the participant teachers will be teaching.

''(2) A program year during the school year designed to include—

''(A) a series of classroom-based teaching activities and observations, including pre- and post-activity discussion under the coaching of a person experienced in leading such a program and trained in the principles of multicultural education;

''(B) individual one-on-one mentoring by a mentor, coach, or facilitator participating in the eligible partnership;

''(C) classroom visits including possible videotaping of the lessons; and

''(D) group meetings to reflect on—

''(i) a classroom visit described in subparagraph (C); or

''(ii) the progress of the program.

''(3) A workshop or institute during the summer immediately after a program year (as described in paragraph (2)) that may include the following:

''(A) Analysis of lessons developed and taught during the program year.

''(B) Practice lessons presented to the cohort described in section 242(1)(A).

''(C) Analysis of participant teacher growth over the duration of the program.

''(D) Development of a reflective portfolio, for each member of the cohort described in section 242(1)(A), of the member's experience in the program.

''SEC. 244. USE OF FUNDS.

''Grant funds provided under this subpart may be used for—

''(1) stipends and release time for participant teachers;

''(2) compensation for mentors, coaches, facilitators, or substitutes;

''(3) reimbursement for normal expenses incurred by the eligible partnership during the grant period; and

''(4) equipment, supplies, and travel necessary for the program.

''SEC. 245. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2006 and each of the 5 succeeding fiscal years.

''Subpart 2—Practicum Phase Component

''SEC. 251. GRANTS AUTHORIZED.

''In carrying out the demonstration program under this part, the Secretary is authorized to award grants to eligible partnerships to enable the eligible partnerships to carry out the practicum phase component of the teacher preparation assisted under this subpart.

''SEC. 252. ELIGIBLE PARTNERSHIPS.

''In this subpart, the term 'eligible partnership' means a partnership consisting of—

''(1) a teacher preparation program approved by a State educational agency and accredited by the National Council for Accreditation of Teacher Education, collaborating with—

''(A) a cohort of practicum phase students; and

''(B) a faculty member who serves as a supervising practitioner;

''(2) a local educational agency—

''(A) serving a student population whose cultural norms—

''(i) are different from the cultural norms of the participating teacher preparation program students; and

''(ii) are similar to the cultural norms of the students or community served by a local educational agency where the participating teacher preparation program students will be looking for employment; and

''(B) collaborating with a group of supervising practitioners; and

''(3) a support committee for the practicum program, that provides cultural norms to the practicum participants, which may include—

''(A) a center of excellence described in subpart 3;

''(B) faculty or staff of a school, local educational agency, or State educational agency;

''(C) parents or family members of a student taught by the student teachers assisted under the grant;

''(D) community stakeholders; or

''(E) organizations with expertise in multicultural education.

''SEC. 253. PRACTICUM PHASE COMPONENT.

''An eligible partnership that receives a grant under this subpart shall use the grant funds to carry out a practicum phase component of the demonstration program that may include the following:

''(1) A course for the practicum students covering multicultural education, including specifics pertaining to the cultural norms of the students served by the local educational agency where the students will be participating in the practicum.

''(2) A program running contemporaneous to the practicum that includes—

''(A) a program under the coaching of a supervising academic where the practicum students interact with each other to discuss their experiences;

''(B) individual one-on-one coaching by a supervising academic;

''(C) classroom visits to the locations of other student teachers in the cohort described in section 252(1)(A), including possible videotaping of the lessons; and

''(D) periodic cohort meetings during the practicum to reflect on the progress of the program.

''(3) A followup program at the conclusion of the practicum carried out by the teacher preparation program participating in the eligible partnership.

''SEC. 254. USE OF FUNDS.

''Grant funds provided under this subpart may be used for—

''(1) compensation for a supervising academic or a supervising practitioner;

''(2) scholarships for participants; and

''(3) equipment, supplies, travel, and other expenses appropriate to the program.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2006 and each of the 5 succeeding fiscal years.

''Subpart 3—Centers of Excellence in Multicultural Education

''SEC. 261. CENTERS OF EXCELLENCE AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to establish not more than 10 centers to support excellence in multicultural education.

''(b) DUTIES.—Such centers shall—

''(1) support participants during the practicum phases and induction phases of their teacher preparation;

''(2) develop and implement an in-service phase program;

''(3) develop or expand the theory and practice of multicultural education; and

''(4) collect appropriate data to allow for the evaluation of the activities implemented under this part.

''SEC. 262. LOCATION OF CENTERS.

''The centers shall—

''(1) be located within universities, colleges or schools with teacher education programs approved by the appropriate State educational agency and accredited by the National Council for Accreditation of Teacher Education;

''(2) be located in geographically diverse areas of the United States; and

''(3) be distributed among institutions of higher education serving various cultural communities.

''SEC. 263. PARTNERSHIPS.

''The centers may form partnerships, for the purpose of carrying out the duties described in section 261(b), with—

''(1) a college or school of teacher education;

''(2) at least 1 local educational agency with a high degree of cultural mismatch between the local educational agency's teachers and the students they teach;

''(3) an academic department, center, or program that focuses on the study of cultural mismatches, such as cultural mismatches related to gender, race, national origin, or other similar areas; or

''(4) such additional entities as the centers determine appropriate.

''SEC. 264. USE OF FUNDS.

''Funds made available under this subpart may be used for the following:

''(1) Financial support for researchers, such as doctoral and post-doctoral fellowships.

''(2) In-service multicultural education workshops for teachers.

''(3) Supporting the programs assisted under subpart 1 or 2.

''(4) Supporting research into best practices in multicultural education, performing evaluation of the best practices, and carrying out a dissemination program for the best practices that improve student academic achievement.

''(5) Evaluation of—

''(A) the activities of the centers; and

''(B) the impact of the activities of the centers on teaching practices and student achievement.

''SEC. 265. ANNUAL MEETING OF THE CENTERS.

''The Secretary is authorized to convene an annual meeting of all centers assisted under this subpart for the purpose of enabling the centers to share information, research, and best practices.

''SEC. 266. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2006 and each of the 5 succeeding fiscal years.

''Subpart 4—General Provisions

''SEC. 271. ANNUAL REPORTS.

(a) REPORT.—Each eligible partnership that receives a grant, and each center that receives assistance, under this part shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report on the activities of the eligible partnership or center, respectively, that are supported under this part.

(b) DATE.—The report described in subsection (a) shall be submitted 2 years after the date of enactment of the Teacher Acculturation Act of 2005, and annually thereafter for the duration of the grant or assistance, as the case may be.''.

By Mr. CHAMBLISS (for himself, Mr. STEVENS, Mr. BURR, and Ms. MURKOWSKI):

S. 1522. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, today I introduce the Hunting Heritage Protection Act of 2005. With the introduction of this important legislation, we are able to acknowledge our Nation's rich heritage of hunting. The purpose of this bill is to pass that legacy on to future generations by protecting and preserving the rights of our Nation's sportsmen and women.

In 2001, over 13 million Americans contributed over $20.6 billion to the U.S. economy while hunting—a true recreational activity. Many believe that in order to hunt you must own land, but that is not true. I believe that hunting should be available as a recreational activity for everyone.

I have been an avid outdoor sportsman since my adulthood. I am also an avid conservationist, like most other hunters. Recreational hunting provides many opportunities to spend valuable time with children, just as I do with my son. He has been hunting since he was a young boy where he discovered and learned to appreciate one of the Earth's greatest treasures, nature.

Over the years, hunters have contributed billions of dollars to wildlife conservation, by purchasing licenses, permits, and stamps, as well as paying excise taxes on goods used by hunters.

Since the time of President Teddy Roosevelt, father of the conservation movement, sportsmen and women have been and will continue to be some of the greatest supporters of sound wildlife management and conservation practices in the U.S.

Hunters need to be recognized for the vital role they play in conservation in this country. The Hunting Heritage Protection Act will do just that. This bill formalizes a policy by which the Federal Government will support, promote, and enhance recreational hunting opportunities, as permitted under State and Federal law. Further, the bill mandates that Federal public land and water are to be open to access and use for recreational hunting where and when appropriate. I should clarify and stress that this bill does not suggest that we open all national parks to hunting. As I mentioned, the goal is simple—I want recreational hunting on our public land to be available to the citizens of this country where and when appropriate.

It is crucial that the tradition of hunting is protected and that the valuable contributions that hunters have made to conservation in this country are recognized. And, we want to ensure that Federal land management decisions and their actions result in a ''no net loss of hunting opportunities'' on our public lands. This bill allows Congress to address this issue and to honor our Nation's sportsmen and women.

By Ms. SNOWE:

S. 1523. A bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation on behalf of the Nation's millions of small businesses and self-employed individuals. I am pleased to join with my colleague in the House, Congressman WALLY HERGER, in reforming the Internal Revenue Code of 1986 to permanently extend the amount of new investment a business can expense.

This bill is a critical incentive for the small business sector of our economy to invest in new technology, expand their operations, and most important, create jobs.

We can never minimize the role that small businesses play in our economy. They represent 99 percent of all employers, employ 51 percent of the private-sector workforce, provide nearly 75 percent of the net new jobs, contribute 51 percent of the private-sector output, and represent 96 percent of all exporters of goods. In short, size is the only ''small'' aspect of small business.

The bill I introduce today recognizes the vitality and uniquely American innovation of the small business owners and entrepreneurs throughout our country. It will make permanent the provisions in Section 179 of the Internal Revenue Code, which enables small businesses to write off the cost of new equipment, rather than depreciate it over a period of years.

As the chair of the Senate Committee on Small Business and Entrepreneurship, I am responding today to the repeated requests from small businesses in my State of Maine and from across the Nation for greater expensing of new equipment.

By making permanent the current expensing limit of $100,000 and indexing these amounts for inflation, this bill will achieve two important objectives.

First, qualifying businesses will be able to write off more equipment purchases today, instead of waiting 5, 6, 7 or more years to recover their costs through depreciation.

That represents substantial savings both in dollars and in the time small businesses would otherwise be forced to spend complying with complex depreciation rules. Moreover, new equipment contributes to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has repeatedly stressed is essential to long-term economic growth and job creation.

Second, more businesses will qualify for this benefit because the phase-out limit will be made permanent at $400,000 in new equipment purchases. This will occur at the same time small business capital investment pumps more money into the many sectors of the economy. My bill is a win-win for small business and the economy as a whole.

Small businesses are always at the forefront of our national economic recoveries and our national economic booms. This bill strengthens their ability to lead the way. I urge my colleagues to join me in supporting this important legislation as we work with the President to enact this bill into law.

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. 1523

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 ''Small Business Expensing Permanency Act of 2005''.

SEC. 2. INCREASED EXPENSING FOR SMALL BUSINESS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008)'' and inserting ''$100,000''.

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation) is amended by striking ''$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2008)'' and inserting ''$400,000''.

(c) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments) is amended by striking ''and before 2008''.

(d) REVOCATION OF ELECTION.—Section 179(c)(2) of such Code (relating to election irrevocable) is amended by striking ''and before 2008''.

(e) OFF-THE-SHELF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code (relating to section 179 property) is amended by striking ''and before 2008''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. CORZINE, Mr. SALAZAR, Mr. OBAMA, and Ms. MIKULSKI):

S. 1525. A bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the ''Medical Malpractice Insurance Antitrust Act of 2005.'' In the ongoing debate about health care costs, this legislation is a targeted and responsible move toward fixing one significant part of the system that is broken the skyrocketing insurance premiums for medical malpractice.

For too long, doctors and hospitals have endured dramatic increases in the cost of their malpractice insurance. I doubt there is a single Senator who has not heard repeatedly from beleaguered physicians back home. Rising insurance rates are reportedly forcing some doctors to abandon their practices.

Some of my colleagues in the other body seem content to echo the refrains of the insurance industry and heap blame for the problem of rising insurance premiums rates on trial lawyers and the victims of medical malpractice themselves. I have opposed arbitrary caps on damages because they will inflict additional harm on the most vulnerable victims of medical malpractice.

Many of us have questioned the insurance industry's claim that lawsuits are causing the rise in premium costs since doctors in States that have imposed damages caps have not seen a reduction in their medical malpractice insurance premiums.

A newly released report provides shows that our questions were well-founded. This report provides real evidence rather than anecdotal stories routinely trotted out by the insurance industry advocates. This study was prepared by a former State Insurance Commissioner and uses the insurance industry's own numbers to debunk the myths being advanced by the insurance industry.

The study entitled, ''Falling Claims and Rising Premiums in the Medical Malpractice Insurance Industry,'' suggests that malpractice insurers have been overcharging, even gouging, physicians unconscionably. I expect a number of Senators will be surprised to learn that the malpractice claims payments actually went down, in real

terms, over the past five years. In addition, even the insurers' own projections of future losses are declining. Despite these downward trends, year in and year out, these insurers are burdening doctors with increased premium costs and shifting the blame for their increases on to lawyers and victims.

In the past five years, premiums have more than doubled even though claims payments have been stable. In 2004, malpractice insurers' total premiums were three times higher than their payouts. During the years 2000 to 2004, net premiums increased by 120 percent, while net claims payments increased by less than 6 percent.

I urge Senators to read this report. It is based entirely on data from annual statements filed under oath with State insurance departments by the Nation's 15 largest malpractice insurers. The statements contain each insurer's estimate of how much it will pay out in malpractice claims, as well as data showing how much it actually paid out in claims and took in premiums. Claims and projected losses are down. It is only premiums that are rising, not claims.

What this boils down to is an insurance industry problem, not a problem with the legal system. No wonder that the State attorneys general of Connecticut and Missouri have reacted to the study by attacking industry practices and calling for an aggressive regulatory response.

As this study makes clear, high malpractice insurance premiums are not the result of malpractice lawsuit verdicts. They are the result of investment decisions by the insurance companies and of business models geared toward ever-increasing profits. I hope that this study once and for all shines light on the real culprit in rising malpractice insurance rates and informs the Senate with solid evidence of the best way to assist the good doctors who commit their professional lives to caring for others. I ask unanimous consent that the executive summary of the study be printed in the RECORD.

To be sure, different States have different experiences with medical malpractice insurance, and insurance remains a largely State-regulated industry. Each State should endeavor to develop its own solution to rising medical malpractice rates because each state has its own unique problems. Some States—such as my own, Vermont—while experiencing problems, do not face as great a crisis as others.

But another fact of the insurance industry's business model requires a Federal legislative correction its blanket exemption from federal anti-trust laws. Insurers have for years enjoyed a special benefit in our marketplace. The McCarran-Ferguson Act permits insurance companies to operate without being subject to most of the Federal antitrust laws, and our Nation's physicians and their patients are suffering from this special treatment. Using their exemption, insurers can collude to set rates, resulting in higher premiums than true competition would achieve and because of this exemption, enforcement officials cannot investigate any such collusion. If Congress is serious about controlling rising premiums, we must revoke this blanket exemption created in the McCarran-Ferguson Act.

That is why today I introduce the ''Medical Malpractice Insurance Antitrust Act of 2005.'' I want to thank Senators Kennedy, Boxer, Corzine, Durbin, Feingold, Mikulski, Obama, Rockefeller, and Salazar for cosponsoring this essential legislation. Our bill modifies the McCarran-Ferguson Act for the most pernicious anti-trust offenses: price fixing, bid rigging, and market allocations. I am hard-pressed to imagine that anyone could object to a prohibition on insurance carriers' fixing prices or dividing territories for anticompetitive purposes. After all, the rest of our Nation's industries manage either to abide by these laws or pay the consequences.

Many State insurance commissioners police the industry well within the power they are accorded in their own laws, and some States have antitrust laws of their own that could cover some anticompetitive activities in the insurance industry. Our legislation would not affect regulation of insurance by State insurance commissioners and other State regulators. There is no reason to continue a system in which the Federal enforcers are precluded from prosecuting the most harmful antitrust violations just because they are committed by insurance companies.

This legislation is a carefully tailored solution to one critical aspect of the problem of excessive medical malpractice insurance premiums. I hope that quick action by the Judiciary Committee and then by the full Senate, will ensure that this real solution is adopted before more damage is done to the physicians of this country and to the patients that they serve.

Only professional baseball has enjoyed an anti-trust exemption comparable to that created for the insurance industry by the McCarran-Ferguson Act. Senator HATCH and I have joined forces several times in recent years to scale back that exemption for baseball, and in the Curt Flood Act of 1998 we successfully eliminated the exemption as it applied to employment relations. I hope we can work together again to create more competition in the insurance industry, just as we did with baseball.

If Congress is serious about helping to control rising medical malpractice insurance premiums, then we must limit the insurance industry's broad exemption to Federal antitrust law and promote real competition in the insurance marketplace.

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

FALLING CLAIMS AND RISING PREMIUMS IN THE MEDICAL MALPRACTICE INSURANCE INDUSTRY

(By Jay Angoff)

EXECUTIVE SUMMARY

This Report analyzes the 2000–2004 performance of each of the 15 largest medical malpractice insurers in the United States rated by A.M. Best, the principal rating service for the insurance industry. The Report is based primarily on data from the carriers' 2004 Annual Statements filed with state insurance departments.

The Report finds the following:

Over the last five years the amount the major medical malpractice insurers have collected in premiums has more than doubled, while their claims payouts have remained essentially flat.

Some malpractice insurers substantially increased their premiums while both their claims payments and their projected future claims payments were decreasing.

Malpractice insurers accumulated record amounts of surplus over the last three years.

Taken together, the malpractice carriers analyzed increased their net premiums by 120.2% during the period 2000–2004, although their net claims payments rose by only 5.7%. Thus, they increased their premiums by 21 times (120.2/5.7 = 21.09) the increase in their claims payments.

As a result of these two dramatically different trends, the ratio between these insurers' claims payments and premiums fell by more than half between 2000 and 2004: it declined from 69.9% to 33.6% on a net basis, and from 68.8% to 32.1% on a gross basis. Put another way, in 2004 the leading medical malpractice insurers took in approximately three times as much in premiums as they paid out in claims.

Moreover, several insurers substantially increased their premiums even though their claims payments actually fell—and fell substantially. For example:

Healthcare Indemnity, Inc. (HCI), an affiliate of HCA corporation, increased its premiums by $173 million, or 88%, while its claims payments fell by $74 million, or 32%. As a result, in 2004 it paid out only 43 cents in claims for each premium dollar it collected.

ProNational, an affiliate of ProAssurance Corporation, increased its premiums by $87 million, or 79%, while its claims payments fell by $43 million, or 63%. As a result, in 2004 it paid out only 13 cents in claims for each premium dollar it collected.

Medical Assurance, another ProAssurance affiliate, increased its premiums by $151 million, or 89%, while its claims payments fell by a third. As a result, in 2004 it paid out only 10 cents in claims for each premium dollar it collected.

In addition, Lexington Insurance Company, an affiliate of AIG, reported that its net written premiums increased from $21.1 million in 2000 to 483.0 million in 2004—an increase of $461.9 million, or 2200%—while its net paid losses increased by only $52.9 million. As a result, in 2004 it paid out only 14 cents in claims for each premium dollar it collected.

Finally, even the ratio between the amount the leading malpractice insurers estimated they would pay out in the future and the premiums they earn—what insurers somewhat counter-intuitively call their ''incurred loss'' ratio—declined by almost 25% between 2000 and 2004. Due to this decline—which is in addition to the decline in the amounts these insurers have actually been paying out—they estimated in 2004 that they would ultimately pay out in claims only 51.4 cents of each premium dollar they earned. Perhaps most striking, in 2004 these 15 insurers taken together increased their earned

premium by 9.3%, even though their incurred losses—the amount they estimated they would pay out in the future—declined by 21.1%.

Because of the overall surge in malpractice premiums with no corresponding surge in claims payments during the last five years, the leading malpractice insurers have increased their surplus by more than a third in only three years, and they are now charging more for malpractice insurance than * * *

By Mr. SPECTER (for himself and Mrs. CLINTON):

S. 1526. A bill to provide education to students in grades 7 through 12 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Roads to Success Act of 2005, which is legislation designed to expand higher educational and career opportunities for American students. There is no doubt as to the benefit of receiving a post-secondary education. The level of education that individuals accumulate has an important influence on their experience in the labor market. According to 2002 U.S. Census Bureau statistics on educational attainment and earnings, the mean earnings of men with a bachelor's degree is $63,354, while the mean earnings of men with a high school degree is $32,363. This is a difference of more than $30,000 or 97 percent.

In recent years, there have been clear signs that more Americans are pursuing higher education opportunities. In June 2002, USA Today reported that 63 percent of high school graduates go to college immediately after graduation, the highest percentage in U.S. history. Yet not all of the news on college graduation rates has been good. Only 18 percent of African Americans and 11 percent of Hispanic high school graduates earn a bachelor's degree by their late twenties, compared to 33 percent of whites according to the National Center for Education Statistics, NCES, in 2001. Further, in 2000, NCES reported that 22 percent of low-income, college qualified high school graduates do not pursue post-secondary education, compared to 4 percent of high-income graduates.

As I travel through Pennsylvania, I still hear from too many middle school and high school students that they do not have the preparation necessary to enroll in higher education institutions. On a trip to the Commonwealth, I joined Andrew McKelvey—the founder of the McKelvey Foundation—to announce Federal funding for entrepreneurial scholarships to rural, low-income Pennsylvania high school graduates. During that trip, I had a frank discussion with Mr. McKelvey regarding the need to not only ensure access to funding for students to pursue higher education, but the need to inform students about the importance of higher education, as well as prepare students for the application process.

The bill I am introducing today, the ''Roads to Success Act of 2005'', will help to educate middle school and high school students in grades 7, 8, 9, 10, 11, and 12, about higher education and career opportunities. This bill will create a program which will provide students with access to information on higher education and career development, and prepare students with the skills necessary to plan for higher education. The availability of information on higher education opportunities makes an enormous difference to students contemplating continuing their education at the undergraduate level.

My legislation will authorize a grant to Roads to Success, a nonprofit educational organization, to develop a core curriculum to be taught in the classroom to equip middle and high school students with the appropriate skills and knowledge to pursue post-secondary education and their career goals. Given the importance of higher education, it makes sense to prepare students for the undergraduate process as part of their class instruction to ensure that all students have access to the necessary information to attain their objectives. To this end, middle schools and high schools participating in the program will dedicate one hour each week of their classroom activity to higher education and career preparation of students utilizing the core curriculum.

Additionally, I seek to create a network of intensive academic support for students by encouraging public-private partnerships to emphasize the importance of higher education and career development. Partnerships with private entities create a unique opportunity for middle schools and high schools to supplement and enhance the core curriculum by offering appropriate enrichments, including guest speakers, videos and web-based services. For example, through these partnerships, middle school and high school students will gain first-hand knowledge of the skills that businesses are seeking by having the opportunity to speak with business leaders, as well as perhaps tour local facilities. This will underscore the significance and importance of higher education for students as they embark on their future career paths.

To implement this initiative, my bill will authorize $10 million annually for fiscal years 2006 through 2011, for Roads to Success to develop a core curriculum which has as its cornerstone increasing awareness of the importance of higher education, developing career awareness, building life skills, and providing education planning to students. Under this legislation, Roads to Success will award subgrants to five State educational agencies to offer higher education preparation programs using the core curriculum in middle and high schools with historically low rates of student application and admission to post-secondary institutions.

It is my sincere hope that this act will ensure that students who wish to enroll in a higher education institution will have access to the tools and resources necessary to help them plan for undergraduate study. We must take this step to encourage students to pursue their educational and career goals—especially those who might not otherwise have this opportunity. I urge my colleagues to join me in cosponsoring this act, and urge its swift adoption.

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

S. 527. A bill to amend the Public Health Service Act with respect to immunizations against vaccine-preventable diseases, including influenza, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today, Senator REED and I are introducing the ''Vaccine Administration and Supply Act.'' Congressman WAXMAN is introducing a companion bill in the House. Our goal is to improve vaccine accessibility and administration across the country, by guaranteeing that every American has access to recommended vaccines, and strengthening our public health infrastructure.

Vaccines are one of the Nation's most significant success stories in public health. They have wiped out mass killers such as polio and smallpox, and protected millions of Americans from other life-threatening or debilitating infectious diseases. They save lives, and save costs too, in needless treatment and hospitalization for illnesses that could have been prevented.

Today, the threat of infectious disease is ever present. Deadly strains of naturally occurring viruses, such as avian flu, are moving from animals to humans. The possibility of bioterrorism is looming. Accessibility to vaccines and improving our public health infrastructure are essential to protect the health of our communities and our Nation—and efforts to do so are long overdue.

We have made remarkable progress in protecting children from vaccine-preventable diseases by making vaccines available to uninsured and underinsured children at no cost through the Vaccines for Children and Immunization Grant programs. As a result, childhood immunization rates and disease reductions are near all-time highs.

On the other hand, there is a huge gap in adult and adolescent vaccination. Each year, 46,000 to 48,000 adults die from diseases that could be cheaply and effectively prevented by vaccination. Many of these persons miss the opportunity to protect themselves against vaccine-preventable diseases because they don't have adequate insurance coverage.

Our legislation will close this gap in public health by mandating that the Secretary of HHS establish an immunization program for adults. Uninsured and underinsured adolescents and adults will be vaccinated at no charge

in any Federally qualified health center, or local or State public health department.

Participating States will also receive increased funding for the Immunization Grant Program, so that Program Managers can administer vaccinations to uninsured and underinsured citizens, as well as conduct education and awareness campaigns on the importance of vaccination and carry out strategies to increase vaccination rates throughout the States.

In addition to increasing vaccine accessibility through State programs, this bill will also improve the national immunization infrastructure. Last year's shortage of influenza vaccine was a wake up call for greater national coordination of vaccine allocation and delivery. Our bill requires the Secretary of HHS to purchase and stockpile needed vaccines, and develop an emergency response plan, within one-year of enactment, to guide States in administering vaccines in the case of a shortage or emergency.

As our Health Subcommittee on Bioterrorism and Public Health Preparedness continues to discuss provisions to encourage the development of vaccines and other countermeasures to bioterrorism, this legislation will establish the infrastructure needed to ensure the efficient administration of such countermeasures in a time of crisis.

The Association of State and Territorial Health Officials said it well when stating, ''Immunization is a vital public health tool and an essential element in protecting the nation's health.'' In light of the obvious dangers, it is urgent for Congress to increase immunization rates and ensure the efficient allocation of vaccines in an emergency. I commend Congressman WAXMAN for his leadership on this important health issue in the House, and Senator REED and I urge our colleagues in the Senate to join in this important effort to improve our public health preparedness.

By Mr. MCCONNELL (for himself, Mrs. LINCOLN, and Mr. BUNNING):

S. 1528. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Equine Equity Act of 2005 with my colleague from Arkansas, Mrs. LINCOLN, and my colleague from Kentucky, Mr. BUNNING.

Each spring on the first Saturday of May, the sporting world turns its attention to my hometown of Louisville for the annual running of the Kentucky Derby. It has been appropriately called ''the most exciting two minutes in sports,'' and has given us such great champions as Secretariat, Seattle Slew, and Smarty Jones.

The activities surrounding the Derby also allow Kentucky to show off one of its signature industries, the horse industry. Long after the pageantry and festivities of Derby day, the horse industry remains a vital part of Kentucky's economy and cultural heritage. Horses are Kentucky's largest agricultural product. The horse industry contributes $3.5 billion to Kentucky's economy, and directly employs more than 50,000 Kentuckians.

While many Americans appropriately identify the horse industry as one of Kentucky's signature industries, the industry's economic impact extends well beyond the borders of the Commonwealth. A recent economic impact study by the firm of Deloitte Touche Tohmatsu found that the horse industry contributes approximately $39 billion in direct economic impacts to the U.S. economy each year. The industry sustains 1.4 million full-time equivalent jobs each year, with over 460,000 of those jobs created from direct spending within the industry.

Nearly 2 million Americans own horses, either for racing, showing, or recreational purposes. While the popular image of horse owners might focus on Millionaire's Row at Churchill Downs on Derby Day, the facts tell a different story. Only about one-quarter, 28 percent, of U.S. horse owners have incomes greater than $100,000. More than one in every three, 34 percent, horse owners has an income of less than $50,000.

Like many businesses, outside investments are essential to the operation and growth of the horse industry. Without investors willing to buy and breed horses, it is impossible for the industry to thrive. Unfortunately, there are several unfair, unwise provisions in Federal law that discourage investment in the horse industry.

In an effort to address these concerns, today I introduce the Equine Equity Act with my colleague from Arkansas, Mrs. LINCOLN, and my good friend from Kentucky, Mr. BUNNING. The Equine Equity Act includes three key provisions.

First, it will provide capital gains treatment for horses that is equal to other investments. Nearly all capital assets are eligible to receive more favorable capital gains tax treatment once they are held for 12 months. However, horses and cattle must be held for 2 years to receive capital gains treatment. This legislation would reduce the capital gains holding period for horses from 24 months to 12 months.

Second, it will apply equal depreciation standards for all racehorses. Current law states that racehorses that begin training when older than 24 months of age are depreciated over 3 years, while those horses that begin training before reaching 24 months of age are depreciated over 7 years.

Most horses begin training before they reach 24 months, but their racing careers do not last 7 years. This legislation would reduce the depreciation period for racehorses to 3 years to more accurately reflect the racing life of horses.

Finally, the Equine Equity Act would establish equity in eligibility for disaster assistance between horses and other livestock. Most livestock, beef, dairy, sheep, and goats, are eligible for Federal disaster assistance during a drought, but horses are not. This legislation would make horses eligible for disaster-assistance programs offered by the U.S. Department of Agriculture.

I appreciate the willingness of my colleagues from Arkansas and Kentucky to join me in introducing this legislation of tremendous importance to our States. I look forward to working with them and our colleagues in the Senate to enact this bipartisan bill into law.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1528

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 ''Equine Equity Act of 2005''.

SEC. 2. 3-YEAR DEPRECIATION FOR ALL RACE HORSES.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (defining 3-year property) is amended to read as follows:

''(i) any race horse,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 3. REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.

(a) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of property used in the trade or business) is amended by striking ''and horses''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 4. LIVESTOCK ASSISTANCE.

(a) IN GENERAL.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of ''livestock'' covered by the program.

(b) CONFORMING AMENDMENTS.—

(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting ''horses,'' after ''bison,''; and

(B) by striking ''equine animals used for food or in the production of food,''.

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51) is amended by inserting ''(including losses to elk, reindeer, bison, and horses)'' after ''livestock losses''.

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 541) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section apply to

losses resulting from a disaster that occurs on or after the date of enactment of this Act.

(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before the date of enactment of this Act.

Mr. KYL. Mr. President, today: I am pleased to join with Senator MCCAIN to introduce the City of Yuma Improvement Act of 2005. This bill authorizes the conveyance to the city of Yuma of six small parcels of Federal land currently held by the Bureau of Reclamation in exchange for three railroad parcels owned by the city on which the Bureau of Reclamation rail line exists. A companion bill has already been introduced in the House by Congressmen GRIJALVA and FRANKS.

These land conveyances will enable the city to complete the redevelopment of the riverfront in downtown Yuma. The Riverfront Master Redevelopment Plan was approved by the City Council in November, 2001. The plan was developed through a joint planning process with the city and the developer. The city's responsibility is to amass the property along the riverfront. The developer must raise the needed capital. The redevelopment includes the development of a welcome center, a new hotel, a conference center, and mixed-use retail stores. This redevelopment is designed to connect Main Street with the Heritage Area and the river to enhance the quality of life of Yuma's citizens and one of the primary economic assets of the area—tourism.

Most of the land in this 22 acre area is already city-owned. However, the Bureau of Reclamation does own several parcels within the redevelopment area that the city seeks to acquire. Since 2001, when the redevelopment plan was approved, the city and the Bureau have been working together to effectuate this acquisition for this public purpose. These efforts include: relocating, at the city's expense, the Bureau facilities that were within the redevelopment area and completing the necessary environmental analyses of the project area, including historic resource studies, site assessments, and asbestos and lead-based paint inspections.

Essentially, the deal is complete with one exception: the authority to accomplish the conveyances. Currently, the Bureau of Reclamation does not have the authority to exchange the lands it possesses for the railroad parcels it seeks—it must be done legislatively. There is broad support in Yuma for this legislated land swap given its public purpose objectives, thorough planning, and the economic opportunity it brings. I hope my colleagues agree and will work with me to pass this legislation this year.

By Mr. ENZI (for himself, Ms. MIKULSKI, Mr. COCHRAN, Mr. BAUCUS, Mr. GRASSLEY, Mrs. MURRAY, and Mrs. DOLE):

S. 1531. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, these people all have something in common: the former Queen Mother of Britain; diet guru Dr. Robert Atkins; former Tonight Show co-host Ed McMahon; former first lady Nancy Reagan; and former Senator Bob Dole. What is it? They are all famous seniors who have suffered a fall during the past three years that had serious repercussions on their lives.

Queen Elizabeth's mother had a history of falling. She underwent a major operation in 1995 to replace her right hip and had a second hip replacement in 1998 when she broke her left hip. In 2000, she tripped and fell in her sitting room and fractured the left-hand side of her collarbone. Then, in 2002 at 101-years-old, she stumbled again in her sitting room while getting up from a chair and cut her arm.

Dr. Robert Atkins, the creator of the high-protein, low-carbohydrate Atkins diet, suffered a severe head trauma in 2003 when an accidental fall outside his New York office left him comatose. Although surgeons removed a blood clot to relieve the pressure on his brain, the 72-year-old died eight days later.

In March of this year, former Tonight Show co-host Ed McMahon spent his 82nd birthday in the hospital after a fall in his Beverly Hills home left him with a mild concussion and a gash in his head that required stitches.

Just last month, former first lady Nancy Reagan slipped and fell in her London hotel room. Fortunately, she was not seriously injured, but was told by doctors to limit her activities for two weeks until the pain subsided and full mobility returned.

The final story hits even closer to home. In January of this year, 81-year-old former Senator and presidential candidate Bob Dole felt light-headed and suffered a near fatal fall while putting away a suitcase. After a quick trip to the hospital to stitch up a cut from his eyeglasses, he was taken back home. Later, he felt ill and had to be taken back to Walter Reed Army Medical Center. Doctors worked fast to save his life. In the fall he had severely damaged his left ''good'' arm, and he suffered bleeding in his head which was worsened by the blood thinners he was given a month earlier after a hip replacement operation. After spending 22 days at Walter Reed, he told a reporter that he was ''getting better slowly'' and that the recovery was ''humiliating'' at times.

As evidenced, falling is a very common and serious problem for older persons. These stories demonstrate the fact that falls can happen to anyone—even the rich and famous. A new report finds that although the life expectancy for Americans has reached an all-time high and senior citizens are more active than previous generations were, they are also reporting to emergency rooms in greater numbers for fall-related injuries. Falls can result in decreased physical function and mobility, disability, reduced independence, and a diminished quality of life. Loss of confidence and fear of falling can lead to further functional decline, depression, feelings of helplessness, and social isolation.

The statistics are overwhelming. More than one-third of adults age 65 years and older fall each year. Falls are the leading cause of injury deaths among individuals in that age group. In 2002, falls among older adults accounted for 12,800 deaths and 1,640,000 emergency department visits.

Hospital admissions for hip fractures among the elderly have increased from 231,000 in 1988 to 327,000 in 2001. One in 5 older Americans who suffer a hip fracture die within a year, and 1 in 5 people with a hip fracture end up in a nursing home within a year. Among people 75 years and older, those who fall are four to five times more likely to be admitted to a long-term care facility for a year or longer.

Annually, more than 80,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

A recent study of people age 72 and older found that the average health care cost of a fall injury was $19,440. This figure does not include physician services. The total medical cost of all fall injuries for people age 65 and older was calculated in 2000 to be $19.5 billion. By 2020, the cost of fall injuries is expected to reach $43.8 billion, in current dollars.

Given our aging population, by the year 2040, the number of hip fractures is expected to exceed 500,000—the annual cost of which is projected to be a shocking $240 billion.

To make matters worse, given the aging baby boomers, more and more elderly will be susceptible to falls. By the year 2040, the 65 and older population will more than double to about 77.2 million, and the relative growth rate is even faster for people over 85.

It seems that we've come to expect that a fall by an older relative is just a natural part of aging, when it is not. As the old adage says so well: ''An ounce of prevention is worth a pound of cure.'' Almost without exception, these falls are preventable. Older adults who have fallen previously or who stumble frequently are two to three times more likely to fall within the next year. We need to take action to ensure that doesn't happen.

Last year, Senator MIKULSKI and I introduced the ''Keeping Seniors Safe From Falls Act of 2004,'' which passed the Senate by unanimous consent. Today, we are reintroducing this legislation, and we look forward to working with our colleagues so that it not only passes the Senate, but is signed into law.

Our bill will direct the Department of Health and Human Services to oversee

and support national and local education campaigns focusing on reducing falls among older adults and preventing repeat falls. It also calls for research in areas such as identifying older adults at high risk for falling; designing, implementing and evaluating the most effective fall prevention interventions; improving diagnosis, treatment, and rehabilitation of older adults who have fallen; tailoring effective strategies to specific populations; and eliminating barriers to adopting proven fall prevention strategies. In addition, the bill supports demonstration and research projects to improve the science behind preventing falls. It also requires the Secretary to evaluate the effect of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing fall-related health care costs. Finally, the bill authorizes the appropriation of funds for each of fiscal years 2007 through 2009 in order to carry out its provisions.

I look forward to working again with Senator MIKULSKI, my colleagues on the HELP Committee, and the wide variety of groups who support this bill. I urge you to support this legislation that will help to keep our nation's seniors—ourselves, our family members, and our friends—safe from falls so that they may have a chance to fully enjoy and savor their ''golden years'' in a safer and healthier fashion.

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. 1531

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 ''Keeping Seniors Safe From Falls Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Falls are the leading cause of injury deaths among individuals who are over 65 years of age.

(2) In 2002, falls among older adults accounted for 12,800 deaths and 1,640,000 emergency department visits.

(3) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 327,000 in 2001.

(4) Annually, more than 80,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

(5) The total medical cost of all fall injuries for people age 65 and older was calculated in 2000 to be $19,500,000,000.

(6) A national approach to reducing falls among older adults, which focuses on the daily life of senior citizens in residential, institutional, and community settings, is needed.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106–386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106–310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

''SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to develop effective public education strategies in a national initiative to reduce falls among older adults in order to educate older adults, family members, employers, caregivers, and others;

''(2) to intensify services and conduct research to determine the most effective approaches to preventing and treating falls among older adults; and

''(3) to require the Secretary to evaluate the effect of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

''(b) PUBLIC EDUCATION.—The Secretary shall—

''(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

''(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

''(c) RESEARCH.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct and support research to—

''(i) improve the identification of older adults who have a high risk of falling;

''(ii) improve data collection and analysis to identify fall risk and protective factors;

''(iii) design, implement, and evaluate the most effective fall prevention interventions;

''(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

''(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

''(vi) intensify proven interventions to prevent falls among older adults;

''(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims and those at high risk for falls; and

''(viii) assess the risk of falls occurring in various settings;

''(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

''(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and

''(D) evaluate the effectiveness of community programs designed to prevent falls among older adults.

''(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, shall provide professional education for physicians and allied health professionals, and aging service providers in fall prevention, evaluation, and management.

''(d) DEMONSTRATION PROJECTS.—The Secretary shall carry out the following:

''(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, in the following areas:

''(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

''(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

''(C) Programs that are targeted to new fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

''(D) Private sector and public-private partnerships to develop technologies to prevent falls among older adults and prevent or reduce injuries if falls occur.

''(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

''(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for single and multifamily residential settings with high concentrations of older adults, including—

''(i) identifying high-risk populations;

''(ii) evaluating residential facilities;

''(iii) conducting screening to identify high-risk individuals;

''(iv) providing fall assessment and risk reduction interventions and counseling;

''(v) coordinating services with health care and social service providers; and

''(vi) coordinating post-fall treatment and rehabilitation.

''(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

''(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

''(1) IN GENERAL.—The Secretary shall conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

''(2) REPORT.—Not later than 36 months after the date of enactment of the Keeping Seniors Safe From Falls Act of 2005, the Secretary shall submit to Congress a report describing the findings of the Secretary in conducting the review under paragraph (1).

''(f) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated—

''(1) to carry out the national public education provisions described in subsection (b)(1), $3,000,000 for each of fiscal years 2007 through 2009;

''(2) to carry out the State public education campaign provisions of subsection (b)(2), $5,000,000 for each of fiscal years 2007 through 2009;

''(3) to carry out research projects described in subsection (c), $8,000,000 for each of fiscal years 2007 through 2009;

''(4) to carry out the demonstration projects described in subsection (d)(1), $4,000,000 for each of fiscal years 2007 through 2009; and

''(5) to carry out the demonstration and research projects described in subsection (d)(2), $5,000,000 for each of fiscal years 2007 through 2009.''.

Ms. MIKULSKI. Mr. President, I am pleased to join Senator ENZI in introducing the Keeping Seniors Safe from Falls Act of 2005. Falls are a serious public health problem that affects millions of seniors each year. This bill expands research and education on elder falls to help keep seniors safe and in their own homes longer.

The facts are staggering. One out of every three Americans over age 65 falls every year. In 2002, over 12,800 seniors died and approximately 1.6 million seniors visited an emergency department as a result of a fall. Falls are the leading cause of injury deaths among seniors. It is estimated that annually more than 80,000 individuals over 65 years of age sustain a traumatic brain injury as a result of a fall. Falls can be financially disastrous for families, and falls place a serious financial strain on our health care system. By 2020, senior falls are estimated to cost the health care system more than $32 billion.

These facts do not begin to tell the story of what falls can mean for seniors and their loved ones. Falls don't discriminate. Many of us have friends or relatives who have fallen. A fall can have a devastating impact on a person's physical, emotional, and mental health. If an older woman loses her footing on her front porch steps, falls, and suffers a hip fracture, she would likely spend about two weeks in the hospital, and there is a 50 percent chance that she would not return home or live independently as a result of her injuries.

With some help, there are simple ways that seniors can improve the safety of their homes and make a fall far less likely. Home modifications like hand rails in the bathroom, rubber mats on slippery tile floors, and cordless telephones that seniors can keep nearby can make a big difference. Well trained pharmacists can review medications to make sure that two drugs do not interact to cause dizziness and throw a senior off balance.

That is why I teamed up with Senator ENZI to introduce this important bill. This legislation is about getting behind our Nation's seniors and giving help to those who practice self-help. This bill creates public education campaigns for seniors, their families, and health care providers about how to prevent falls. It expands research on elder falls to develop better ways to prevent falls and to improve the treatment and rehabilitation of elder falls victims. This legislation also requires an evaluation of the effect of falls on health care costs, ways we can reduce falls, and effective solutions that can be adopted that can help reduce health care costs associated with falls.

Reducing the number of falls will help seniors live longer, healthier, more independent lives. This bill has the strong support of the National Safety Council, the Home Safety Council and the National Council on Aging, and has been supported in the past by over 30 national and local aging and safety organizations. I look forward to working with Senator ENZI and my colleagues on the Health, Education, Labor, and Pensions Committee to get this bill signed into law.

By Mr. SPECTER (for himself and Mr. GRASSLEY):

S. 1532. A bill to amend title 18 of the United States Code to criminalize acts of agroterrorism, and to enhance the protection of the United States agricultural industry and food security through the increased prevention, detection, response and recovery planning; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Agroterrorism Prevention Act of 2005, which would amend Title 18 of the United States Code to criminalize acts of agroterrorism, and to enhance the protection of the United States agricultural industry and food security through increased prevention, detection, response and recovery planning.

Since the events of September 11, 2001, Congress has taken substantive actions to protect America and indeed, the world from the threat of terrorism. Yet, there is a significant component of the United States that is at risk from terrorist attacks, and that is American agriculture. The United States agriculture industry accounts for 13 percent of the Nation's gross domestic product, makes up 8 percent of our foreign trade, and accounts for over $192 billion in cash receipts. More specifically in Pennsylvania, agriculture is the number one industry with over 59,000 farms and ranches producing cash receipts exceeding $4 billion annually. Less than 2 percent of the American people are considered farmers or ranchers; however, they are responsible for feeding 100 percent of the American population. It is incumbent upon us in Congress to do everything in our power to ensure that the American farmer and rancher, and our Nation's food supply, are protected from any act of terrorism.

During the 108th Congress, I held four forums on the issue of agroterrorism and food security at the Pennsylvania Department of Agriculture working in conjunction with the PA Secretary of Agriculture to address the needs and concerns of Pennsylvania's producers, processors, commodity representatives, veterinarians, public health officials, university administrators, and local government representatives. Collectively, the comments and issues raised at these forums provided the impetus to craft this necessary and timely legislation.

This legislation would afford the American farmer, rancher, and the United States agriculture industry the protection it deserves. My bill would amend Title 18 of the United States Code to criminalize the act of agroterrorism, ensuring that we have a legal recourse against individuals seeking to disrupt our interstate commerce and foreign trade, or who try to coerce our civilian population or government. An agroterrist act would be defined as a criminal act that consists of causing, financing, or attempting to cause damage or harm to, or destruction of, a crop, livestock, raw agricultural commodity, food product, farm or ranch equipment, a material, or any other property associated with agriculture, or a person engaged in an agricultural activity, that is committed to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to disrupt interstate commerce or foreign commerce of the United States agricultural industry. Further, I have included the death penalty provision in this legislation to be consistent with existing laws concerning acts of terrorism.

Beyond criminalizing the act of agroterrorism, this legislation would provide farmers and ranchers with on-farm bio-security resources; tools that reduce the potential for disease outbreaks. Through these resources, our farmers and ranchers would be able develop preparedness, response and recovery planning techniques. These techniques would enable farmers and ranchers to control access to their farms, separate animal shipping vehicles from animal feed facilities, and know what risks visitors present. Ultimately, the intent of this provision is to ensure that our first responders have the information, training, and critical infrastructure they need to react aggressively to an incident of agroterrorism.

The impact of globalization affects agriculture in ways that many would be unaware. For example, livestock and crop diseases can be obtained and disseminated with ever increasing ease. These diseases are endemic to other parts of the world and can be extracted from common materials, such as soil. Additionally, agricultural inspections at ports of entry, the first line of defense against the entry of foreign animal and plant diseases, have declined over the last two years at a time when imports have increased. Therefore, I have called for the Secretaries of Homeland Security, Agriculture, Interior, Health and Human Services, the Attorney General, and the Director of National Intelligence to coordinate and enhance monitoring, surveillance, and intelligence capabilities concerning threats, delivery systems, border controls, and actions that could be directed against the agriculture sector.

This legislation would authorize significant grant funding for States to establish state and local emergency response plans, information management, and to provide training for first responders, in the event of an animal or plant disease outbreak. The 2001 foot

and mouth disease outbreak in England required extensive intervention to eradicate and control the spread of disease. Therefore, the question remains if our Nation is ready to respond to such an outbreak, whether caused by a natural event or an act of terrorism.

Additionally, this legislation would authorize funding for pilot grant demonstrations concerning on-farm bio-security. The majority of our Nation's farmers, ranchers, and processors are family owned or small businesses, and they need our assistance in strengthening and changing their practices to meet the challenges they are facing in this war on terror. It is our duty as their representatives to provide the tools they need to preserve the American farm and ranch.

This legislation would ensure that our National Veterinary Stockpile contains sufficient amounts of animal vaccine, antiviral, or therapeutic products to appropriately respond to the most damaging animal diseases affecting human health and the economy. Additionally, let us not think that agroterrorism pertains only to animals. A plant disease event can impact our agricultural economy as well. Therefore, I have included provisions to ensure that our U.S. National Germplasm system can respond to such an event with the use of disease-resistant seed varieties.

Compounding the threat of agroterrorism is the fact that the United States is currently experiencing a shortage of veterinarians in rural agricultural areas. This results in an inability to respond to a disease outbreak whether natural or an act of terrorism. In response to this decline, this legislation would provide both educational debt repayment for veterinarians serving American agriculture during a disease outbreak and capacity building grants for colleges and schools of veterinary medicine to design higher education training programs in exotic animal diseases, epidemiology, and public health.

The last provision of this legislation would require the Secretaries of Homeland Security, Agriculture, HHS, Interior, and the Administrator of EPA to submit a report to Congress that describes the feasibility and need for modernizing or replacing current federal Biological Level 3 and Biological Level 4 laboratories responsible for research, technology development, diagnostic, and forensic activities on plant and animal diseases, including zoonotic diseases. As a nation we cannot adequately fight a modern war on terrorism using technology and laboratories that have exceeded their capability and useful life span.

I urge my colleagues to cosponsor and support this legislation, which would secure our Nation's most critical infrastructure, our food supply. As a nation, we cannot take for granted that our food supply will not be susceptible to terrorist activities. The measures called for in this legislation would not impose any new regulations on our farmers, ranchers, or processors but rather would provide them with the tools necessary to counteract agroterrorism. Without question, the time has come for concerted action to ensure the protection of American agriculture.

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

S. 1533. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board of Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I rise, along with my cosponsor, Senator DEWINE, to reintroduce legislation called I TEACH, Incentives to Educate America's Children Act of 2005. This legislation is an investment to support teachers in rural areas, and high poverty areas. It provides a $1,000 refundable tax credit for those teachers willing to serve in challenging schools. The bill also gives every teacher the chance to earn a refundable tax credit by offering a $1,000 refundable tax credit for every teacher who earns accreditation by the National Board for Professional Teaching Standards. A National Board Teacher in a rural school or high poverty school would receive a $2,000 credit which hopefully would promote retention of our best teachers.

According to the most recent survey by the American Federation of Teachers, the average teacher salary is $45,771. While teacher salaries rose an average of 3.3 percent, the health insurance benefits spiked an average 13 percent, according to the Bureau of Labor Statistics. The starting salary for a new teacher is estimated to be $30,496. Given the costs of college, the average student graduates with a debt of $19,400 and face loan payments of $210 a month, it is difficult for young, eager graduates to pursue careers in teaching and pay off their student debt and other living expenses.

It is sad when a dedicated young person decides that they simply cannot ''afford'' to be a teacher, but this happens. The I TEACH Act will help by providing meaningful tax credits to teachers willing to serve in rural areas or high poverty schools, and it will provide a strong financial incentive to keep quality teachers in the classrooms by rewarding teachers who earn National Board certification. Thirty States provide some type of financial incentive to National Board teachers, and this refundable tax credit will support such efforts. For example, West Virginia offers a $2,500 bonus for National Board teachers. If I TEACH is enacted, a National Board teacher in my State would receive a 9 percent bonus which is a meaningful incentive.

Our teachers are essential professionals that inspire and educate our children, who represent the next generation. Our teachers deserve our respect and real support. I urge my colleagues to work with me to enact I TEACH and reward our teachers.

By Mr. AKAKA:

S. 1537. A bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would establish Parkinson's Disease Research Education and Clinical Centers and Multiple Sclerosis, MS, Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs, VA. The need for research and care is extremely pressing at a time when VA is dealing with meeting the demands of veterans suffering from debilitating neurological diseases.

VA has been a leader in the advancement of medicine and should be applauded for its progressive and innovative research endeavors. Yet, continued strides in specialized research are necessary to address the specific health care needs of our veterans. Through the establishment of the Parkinson's Disease and Multiple Sclerosis Centers, VA clinicians and educators will be able to gain a better understanding of these diseases that affect not just our veterans, but Americans across the nation. It is through this understanding that clinicians will be able to provide more effective patient care, treatment, and education.

The establishment of the Parkinson's Disease Research Education and Clinical Centers stems from the same spirit that inspired the conception of a great alliance formed between VA and the National Parkinson Foundation, Inc., NPF, in June of 1999. This alliance created an opportunity for the two entities to come together to develop research and treatment symposiums, provide information concerning Parkinson's disease, and also provide VA physicians that treat at least 20,000 Parkinson's patients with continuing education.

Those affected with Parkinson's Disease not only suffer from symptoms that manifest themselves physically, such as through tremors, muffled speech, slowness and impaired mobility. There are also psychological effects characterized in the form of depression for those suffering from this diseases. Through these centers, clinicians and educators can determine better ways to manage symptoms associated with Parkinson's Disease, as well as those symptoms such as fatigue and spasticity associated with MS that will give veterans suffering from these diseases a better quality of life.

Since the time of its inception, the VA health care system was tasked with

meeting the special needs of its veteran patients. Though VA is providing the necessary care to those currently affected by the disease, more can be done to develop new treatments to reduce the symptoms and slow down the progression of the disease.

This legislation will provide VA with the opportunity to establish these centers and mark a new phase in the pursuit of enhanced treatment for those that struggle with the daily challenges imposed by these diseases, which includes not only the veteran patients but their families as well. The Parkinson's Disease Research Education and Clinical Centers and Multiple Sclerosis Centers of Excellence will also be beacons of hope towards finding a cure for degenerative neurological diseases.

I ask my colleagues for their support of this bill as a commitment to advancing research and education for veterans battling Parkinson's Disease and Multiple Sclerosis. I also wish to thank Congressman LANE EVANS, who serves as the ranking member of the House Committee on Veterans' Affairs, for his leadership on this issue.

I ask unanimous consent that the full 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. 1537

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

SECTION 1. PARKINSON'S DISEASE RESEARCH, EDUCATION, CLINICAL CENTERS, AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

"§ 7329. Parkinson's disease research, education, and clinical centers and multiple sclerosis centers of excellence

''(a) DESIGNATION.—The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this section, shall—

''(1) designate—

''(A) at least 6 Department health care facilities as the locations for centers of Parkinson's disease research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose); and

''(B) at least 2 Department health care facilities as the locations for Multiple Sclerosis Centers of Excellence (subject to the appropriation of sufficient funds for such purpose); and

''(2) establish and operate such centers at such locations in accordance with this section.

''(b) EXISTING FACILITIES; GEOGRAPHIC DISTRIBUTION.—In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall—

''(1) designate each Department health care facility that, as of January 1, 2005, was operating a Parkinson's Disease Research, Education, and Clinical Center or a Multiple Sclerosis Center of Excellence unless the Secretary, on the recommendation of the Under Secretary for Health, determines that such facility—

''(A) does not meet the requirements of subsection (c);

''(B) has not demonstrated effectiveness in carrying out the established purposes of such center; or

''(C) has not demonstrated the potential to carry out such purposes effectively in the reasonably foreseeable future; and

''(2) assure appropriate geographic distribution of such facilities.

''(c) MINIMUM REQUIREMENTS.—The Secretary may not designate a health care facility as a location for a center under subsection (a) unless—

''(1) the peer review panel established under subsection (d) determines that the proposal submitted by such facility is among those proposals which meet the highest competitive standards of scientific and clinical merit; and

''(2) the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has (or may reasonably be anticipated to develop)—

''(A) an arrangement with an accredited medical school which provides education and training in neurology and with which such facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's disease, or in the case of Multiple Sclerosis Centers, multiple sclerosis disease;

''(B) the ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts;

''(C) a policymaking advisory committee composed of consumers and appropriate health care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center;

''(D) the capability to conduct effectively evaluations of the activities of such center;

''(E) the capability to coordinate, as part of an integrated national system, education, clinical, and research activities within all facilities with such centers;

''(F) the capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's disease, and other movement disorders, or multiple sclerosis in the case of Multiple Sclerosis Centers, at facilities without such centers in order to ensure better access to state of the art diagnosis, care, and education for neurodegenerative disorders, or in the case of Multiple Sclerosis Centers, autoimmune disease affecting the cental nervous system throughout the health care system; and

''(G) the capability to develop a national repository in the health care system for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's disease, and other movement disorders, or in the case of Multiple Sclerosis Centers, autoimmune disease affecting the central nervous system.

''(d) PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

''(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's disease and other movement disorders, and, in the case of Multiple Sclerosis Centers, experts in autoimmune disease affecting the central nervous system.

''(B) Members of the panel shall serve as consultants to the Department for a period of no longer than 2 years except in the case of panelists asked to serve on the initial panel as specified in subparagraph (C).

''(C) In order to ensure panel continuity, half of the members of the first panel shall be appointed for a period of 3 years and half for a period of 2 years.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) ADEQUATE FUNDING.—Before providing funds for the operation of any such center at a health care facility other than a health care facility designated under subsection (b)(1), the Secretary shall ensure that—

''(1) the Parkinson's disease center at each facility designated under subsection (b)(1) is receiving adequate funding to enable such center to function effectively in the areas of Parkinson's disease research, education, and clinical activities; and

''(2) in the case of a new Multiple Sclerosis Center, that existing centers are receiving adequate funding to enable such centers to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established under subsection (a).

''(2) The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) FUNDING ELIGIBILITY AND PRIORITY FOR PARKINSON'S DISEASE RESEARCH.—Activities of clinical and scientific investigation at each center established under subsection (a) for Parkinson's disease shall—

''(1) be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account; and

''(2) receive priority in the award of funding from such account to the extent funds are awarded to projects for research in Parkinson's disease and other movement disorders.

''(h) FUNDING ELIGIBILITY AND PRIORITY FOR MULTIPLE SCLEROSIS RESEARCH.—Activities of clinical and scientific investigation at each center established under subsection (a) for multiple sclerosis shall—

''(1) be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account; and

''(2) receive priority in the award of funding from such account to the extent funds are awarded to projects for research in multiple sclerosis and other movement disorders.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7328 the following:

''Sec. 7329. Parkinson's disease research, education, and clinical centers and multiple sclerosis centers of excellence''.

(b) EFFECTIVE DATE.—Section 7329 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

By Mr. ROCKEFELLER:

S. 1538. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

Mr. ROCKFELLER. Mr. President, today, I am reintroducing America's Better Classroom Act, an important incentive to support school construction and renovations. I believe that this bill is a wise investment in education and economic development. It creates jobs as we build and renovate our schools.

America's Better Classroom Act of 2005 is designed to respond to the overwhelming need for school construction. The Department of Education reports that the average public school building is 42 years old. In 1995, GAO estimated that we needed $112 billion for school construction and renovations. A more recent survey in 2001 in the Journal of Education Finance indicates that the need is increasing, and the unmet need for school infrastructure over the next decade is over $200 billion. My State, West Virginia, will need as much as $2 billion for school construction and renovations, and the cost of construction increases as the cost of building materials continues to escalate.

America's Better Classroom Act provides the financial tools to help build and renovate our schools. It will continue the Qualified Zone Academy Bonding, (QZAB) Program that has helped economically disadvantaged communities. This provision would provide $2.8 billion to continue and expand the successful QZAB Program. In recent years, this program has provided $4.2 million for support school construction and renovations in disadvantaged communities. Effective programs deserve continued support.

But we should more broadly expand investment in school construction because so many school districts need help with school construction and renovations but cannot qualify for the QZAB program. This is why the America's Better Classroom Act creates a $22 billion Qualified School Bonding Program. Funding will be allocated to states based on the Title 1 formula so it is targeted, but the states will have flexibility in allocating support among school districts.

When I visit schools in West Virginia, I am often stunned by the aging buildings and compelling needs. In our fast-growing Eastern Panhandle, we need new schools to deal with a growing population. In other parts of the State, older school building need renovations to be safe and conducive learning environments for our students. Also as technology plays an increasingly important role in education, classrooms need to be updated.

States and communities need the America's Better Classroom Act so that we can make needed investments. Also, school construction can play a positive role in helping to stimulate our economy and create needed jobs. School construction is a reliable economic stimulus, and an important investment in our children's education.

By Mr. ROCKEFELLER:

S. 1539. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, throughout my career in the Senate, I have sought to strengthen and improve policies for the most vulnerable children children who are at-risk of abuse and neglect in their own homes. The foster care system is the basic safety net for such children, but common sense tells us that a safe permanent home is the best place for a child. As Congress clearly stated in the 1997 Adoption and Safe Families Act, every child deserves a safe, permanent home. Now the challenge is to reform our program to deliver on this promise.

To truly fulfill that goal, we need to improve the Federal adoption assistance program, which is why I am introducing the Adoption Equality Act today. Current law only provides adoption assistance to special needs children whose parents would have been eligible for the old Aid to Families with Dependent Children (AFDC) as of July 1996. It is ridiculous to base a child's eligibility for assistance on the income of the abusive parents from whom they will have been taken for their own health and safety. Because of this Federal regulation, only half of special needs children get Federal assistance under current law. I firmly believe that every child with special needs who will not be adopted without assistance deserves Federal support. It is a basic investment to delivering on our commitment to help provide a safe, permanent home.

As we talk about the importance of families, shouldn't we invest in helping to create and maintain such families, especially for our most vulnerable children?

By supporting the Adoption Equality Act, we send a clear signal that every child deserves a safe, permanent home.

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

S. 1540. A bill to authorize the Secretary of the Army and the Secretary of the Interior to establish a program to improve water management and contribute to the recovery of endangered species in the Middle Rio Grande, New Mexico, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, in the American West, we are frequently faced with the challenge of how best to allocate our scarce water resources among numerous competing interests. There is no better example of this challenge than the one that has developed in the past six years in the Middle Rio Grande Valley in my home State of New Mexico. However, how this challenge was addressed is illustrative of what can be accomplished when people are willing to put adversity and divergent interests aside and work together to solve common problems.

In 1994, the Fish and Wildlife Service listed as endangered the Rio Grande Silvery Minnow, a fish native to the waters of the Rio Grande in New Mexico. The listing was followed by a five-year drought which began in 1999. The drought resulted in an insufficient amount of water to meet the needs of the Silvery Minnow and led several environmental groups to file the lawsuit Minnow v. Keys in Federal district court. After the district court issued a decision, the case was appealed to the United States Court of Appeals for the Tenth Circuit which held that the Endangered Species Act required that water should be taken away from municipalities, farmers and industry in order to meet the needs of the Silvery Minnow. In a water-scarce State like New Mexico, the ruling rang out like a gun shot and created acrimony amongst those who are entirely dependant on water from the Rio Grande.

In response, I established the Middle Rio Grande Collaborative Program in 2000. The program is based on the premise that it is better to work in the spirit of cooperation to develop solutions to shared problems regarding resource management including how best to meet the needs of our endangered species. When left up to the courts, there are always losers. Since 2000, the collaborative program has been a remarkable success, bringing together various stakeholders including Federal and State agencies, cities, Pueblos, environmental groups, farmers and business interests in an effort to protect our biological heritage and ecological diversity while meeting the needs of those who are dependant on the waters of the Rio Grande. Often, the process has been difficult. However, I'm sure all would agree that it is far preferable to the alternative of continued litigation. The success of the program is especially marked when one considers that the program has lacked specific goals, an organizational structure, a decision making hierarchy, and formal authorization.

I rise today to introduce the Middle Rio Grande Endangered Species Collaborative Program Act, a bill to provide the program with the authority it needs to continue its important mission. This bill would streamline the decision making process of the program, delegate responsibilities among federal agencies, and provide adequate authority for Federal participation. I have no doubt that this program will continue to serve as a model of how to deal with the West's resource management challenges.

I would like to thank my dear friend and colleague Senator BINGAMAN, who I have had the pleasure of serving with in the United States Senate for the past 22 years for being an original cosponsor of this legislation.

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. 1540

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 ''Middle Rio Grande Endangered Species Collaborative Program Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COLLABORATIVE PROGRAM.—The term ''Collaborative Program'' means the Middle Rio Grande Endangered Species Collaborative Program established under section 3(a).

(2) EXECUTIVE COMMITTEE.—The term ''Executive Committee'' means the Executive Committee established under section 4(c).

(3) INTERESTS IN LAND AND WATER.—The term ''interests in land and water'' includes purchases, leases, easements, and agreements to provide water storage, land, or water that are obtained from willing sellers, lessors, or contributors in compliance with applicable Federal, State, or tribal laws.

(4) MIDDLE RIO GRANDE.—

(A) IN GENERAL.—The term ''Middle Rio Grande'' means the headwaters of the Rio Chama and the Rio Grande, including all tributaries, from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(B) EXCLUSION.—The term ''Middle Rio Grande'' excludes the land area reserved for the full pool of the Elephant Butte Reservoir.

(5) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The term ''Middle Rio Grande Conservancy District'' means the political subdivision of the State of that name, created in 1925.

(6) PROJECT.—

(A) IN GENERAL.—The term ''project'' means a scientific or management study, a planning, design, permitting, construction, operations, maintenance, or replacement activity, or the acquisition of interests in land or water.

(B) INCLUSIONS.—The term ''project'' includes—

(i) a project begun but not completed by the Endangered Species Collaborative Program before the date of enactment of this Act; and

(ii) a project recommended by the Executive Committee after the date of enactment of this Act that carries out the purposes described in section 3(b).

(7) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the Rio Grande Compact—

(A) for which Congress provided consent under the Act of May 31, 1939 (53 Stat. 785, chapter 155); and

(B) that was ratified by the States of Colorado, New Mexico, and Texas.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(9) SIGNATORY MEMBER.—The term ''signatory member'' means any Federal, State, or municipal agency, tribe, or public or private organization that has signed the memorandum of agreement described in section 4(c)(1)(C).

(10) SILVERY MINNOW.—The term ''silvery minnow'' means the species *Hybognathus amarus*, commonly known as the Rio Grande silvery minnow, a fish listed as an endangered species, as described in the notice entitled ''Final Rule to List the Rio Grande Silvery Minnow as an Endangered Species'' (59 Fed. Reg. 36988 (July 20, 1994)).

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

(12) TRIBE.—The term ''tribe'' means an Indian pueblo or tribe that—

(A) occupies land in the Middle Rio Grande; and

(B) is included on the list of federally recognized tribes published by the Secretary of the Interior in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(13) WILLOW FLYCATCHER.—The term ''willow flycatcher'' means the species *Empidonax traillii extimus*, commonly known as the southwestern willow flycatcher, a migratory bird listed as an endangered species, as described in the notice entitled ''Final Rule Determining Endangered Status for the Southwestern Willow Flycatcher'' (60 Fed. Reg. 10694 (February 27, 1995)).

SEC. 3. COLLABORATIVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in collaboration with the Secretary of the Interior, shall establish the Middle Rio Grande Endangered Species Collaborative Program in accordance with section 4.

(b) PURPOSES.—The purposes of the Collaborative Program shall be—

(1) to carry out a long-term plan, including projects to protect, and promote recovery of, the silvery minnow and willow flycatcher in the Middle Rio Grande;

(2) to ensure compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) while maintaining water use in the Middle Rio Grande in compliance with applicable law;

(3) to support improved water management;

(4) to allow continued water development;

(5) to benefit overall ecological integrity;

(6) to promote cooperation and collaboration in implementation of protection and recovery activities between Federal and non-Federal entities;

(7) to coordinate Federal actions that promote protection and recovery of the silvery minnow and willow flycatcher; and

(8) to establish a scientific basis for implementation of activities through recovery plans to ensure protection and recovery of the silvery minnow and willow flycatcher.

SEC. 4. COLLABORATIVE PROGRAM STRUCTURE.

(a) REPEAL.—Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1850) is repealed.

(b) ESTABLISHMENT.—The Collaborative Program shall consist of an Executive Committee, a Program Implementation Team, and working groups.

(c) EXECUTIVE COMMITTEE.—

(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of the Interior shall—

(A) not later than 180 days after the date of enactment of this Act, establish an Executive Committee consisting of Federal and non-Federal entities described in paragraph (2) to—

(i) provide guidance to the Program Implementation Team to develop and approve a long-term plan to carry out the purposes of the Collaborative Program;

(ii) coordinate Collaborative Program projects for the recovery of the silvery minnow and the willow flycatcher with other Federal and non-Federal activities in the Middle Rio Grande to achieve the greatest effect and limit unnecessary duplication of efforts to the maximum extent practicable;

(iii) create, assign, and oversee tasks of the Program Implementation Team and working groups as necessary to implement a long-term plan and otherwise accomplish the purposes of the Collaborative Program;

(iv) develop multiyear budget priorities and present funding requests to the Corps of Engineers, the Bureau of Reclamation, the United States Fish and Wildlife Service, other Federal agencies, and non-Federal entities; and

(v) review work products undertaken by the Collaborative Program, including development of plans, budgets, reports, and requests for proposals;

(B) consider decisions made by ¾ of a quorum as the recommendation to be carried out under the Collaborative Program;

(C) develop, consistent with this Act, a memorandum of agreement describing—

(i) the goals of the Collaborative Program;

(ii) the responsibilities of the participants to contribute to the success of the Collaborative Program; and

(iii) the administrative rules, bylaws, and agreements governing Collaborative Program participation; and

(D) in cooperation with the members of the Executive Committee, develop bylaws governing the operations of the Executive Committee.

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the Executive Committee shall be composed of—

(i) 1 permanent voting member representing the Bureau of Reclamation, appointed by the Secretary of the Interior;

(ii) 1 permanent voting member representing the United States Fish and Wildlife Service, appointed by the Secretary of the Interior;

(iii) 1 permanent voting member representing the Corps of Engineers, appointed by the Secretary;

(iv) upon invitation by the Secretary, other voting members who have signed the memorandum of agreement described in paragraph (1)(C), representing any of—

(I) the State of New Mexico Interstate Stream Commission;

(II) the State of New Mexico Department of Game and Fish;

(III) the New Mexico Attorney General;

(IV) the Pueblo of Santo Domingo;

(V) the Pueblo of Sandia;

(VI) the Pueblo of Isleta;

(VII) the Pueblo of Santa Ana;

(VIII) the Middle Rio Grande Conservancy District;

(IX) the Albuquerque–Bernalillo County Water Authority;

(X) an organization that represents a significant portion of the environmental community; and

(XI) an organization that represents a significant portion of the farming community; and

(v) the non-Federal cochairperson elected under paragraph (4); and

(vi) upon unanimous recommendation of the existing members, members representing any additional organizations that sign the memorandum of agreement described in paragraph (1)(C).

(B) MEMBERSHIP CAP.—The total membership of the Executive Committee shall not exceed 20 members.

(C) QUORUM.—

(i) IN GENERAL.—Except as provided in clause (ii), ⅔ of the members of the Executive Committee shall constitute a quorum.

(ii) EXCEPTION.—For purposes of subparagraphs (A) and (C) of paragraph (4), ⅔ of the non-Federal members of the Executive Committee shall constitute a quorum.

(3) FEDERAL COCHAIRPERSON.—

(A) IN GENERAL.—The Secretary of the Interior shall select a Federal Cochairperson

from the Department of the Interior who shall—

(i) be a nonvoting member of the Executive Committee;

(ii) convene the Executive Committee;

(iii) develop committee agendas;

(iv) call meetings;

(v) schedule votes and other decision-making processes; and

(vi) hold the Program Implementation Team accountable for assignments received from the Executive Committee.

(B) REMOVAL.—The Federal Cochairperson may be replaced by the Secretary on a vote of no-confidence by ¾ of a quorum.

(4) NON-FEDERAL COCHAIRPERSON.—

(A) IN GENERAL.—A non-Federal Chairperson of the Executive Committee shall be elected on approval by ¾ of a quorum.

(B) DUTIES.—The non-Federal Chairperson shall—

(i) be a voting member of the Executive Committee;

(ii) establish the Executive Committee agenda jointly with the Federal Cochairperson; and

(iii) lead meetings in the absence of the Federal Cochairperson.

(C) REMOVAL.—

(i) IN GENERAL.—The non-Federal Cochairperson may be removed by the Secretary on a vote of no-confidence by ¾ of a quorum.

(ii) VACANCY.—If the non-Federal Chairperson is removed under clause (i), the vacancy shall be filled in accordance with subparagraph (A).

(d) PROGRAM IMPLEMENTATION TEAM.—

(1) IN GENERAL.—The Secretary shall establish a Program Implementation Team—

(A) administered by a program manager from the Corps of Engineers; and

(B) supported by 1 representative of each entity with membership on the Executive Committee that elects to provide a representative.

(2) ADDITIONAL STAFF.—To support the goals of the Collaborative Program, the Secretary of the Interior shall provide staff for the Program Implementation Team from—

(A) the Bureau of Reclamation;

(B) the Bureau of Indian Affairs;

(C) the United States Fish and Wildlife Service; or

(D) any other appropriate agency of the Department of the Interior.

(3) DUTIES.—Under the direction of the Executive Committee, the Program Implementation Team shall—

(A) provide administrative support for all Collaborative Program operations;

(B) not later than 1 year after the date of enactment of this Act, prepare a long-term plan to carry out the purposes of the Collaborative Program;

(C) consistent with the long-term plan, prepare annual revisions, annual work plans, budget requests, and activity and fiscal reports;

(D) provide information to the public concerning activities of the Collaborative Program and undertake community outreach;

(E) collaborate with other efforts relating to the protection and recovery of the silvery minnow and willow flycatcher carried out under other Federal programs and non-Federal programs, including—

(i) silvery minnow and willow flycatcher recovery teams under the direction of the United States Fish and Wildlife Service;

(ii) Bosque and ecosystem recovery programs under the United States Fish and Wildlife Service and Corps of Engineers; and

(iii) other related programs;

(F) administer project proposal processes;

(G) administer contracts and grants, except for those contracts and grants assigned to the Bureau of Reclamation;

(H) ensure that all activities undertaken by the Collaborative Program comply with applicable laws; and

(I) undertake such other duties as are assigned by the Executive Committee and necessary to carry out the Collaborative Program.

(e) WORKING GROUPS.—

(1) IN GENERAL.—The Executive Committee may create working groups to—

(A) provide advice to the Executive Committee and the Program Implementation Team; and

(B) implement tasks consistent with the purposes described in section 3(b).

(2) MEMBERSHIP.—Working groups established under paragraph (1) may consist of—

(A) members of the Program Implementation Team; and

(B) individuals appointed by, and under the direction of, the Program Implementation Team, including—

(i) representatives appointed by the Executive Committee;

(ii) signatory members; or

(iii) individuals contracted by the Program Implementation Team.

SEC. 5. COLLABORATIVE PROGRAM ACTIVITIES.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior may—

(1) enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary and the Secretary of the Interior determine to be necessary to carry out the Collaborative Program, including interagency agreements to transfer funds between agencies within the jurisdiction of the Secretary and the Secretary of the Interior; and

(2) accept or provide grants to carry out the Collaborative Program.

(b) RESPONSIBILITIES.—In carrying out the purposes of the Collaborative Program—

(1) the Commissioner of Reclamation may—

(A) carry out flow requirements to comply with the Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) or any modifications to the Biological Opinion and other projects relating to water management, including—

(i) acquiring interests in land and water to meet minimum flow requirements;

(ii) monitoring and gaging flows;

(iii) pumping from the Low Flow Conveyance Channel and other drains and channels to support silvery minnow and willow flycatcher habitat; and

(iv) improving monitoring and gaging;

(B) consult with the signatory members regarding opportunities and methods to accomplish the responsibilities;

(C) coordinate implementation of all other activities carried out within the Middle Rio Grande under the jurisdiction of the Bureau of Reclamation with the activities of the Collaborative Program to achieve the purposes of the Collaborative Program; and

(D) construct fish passages at San Acacia Diversion Dam and at Isleta Diversion Dam;

(2) the Secretary of the Army—

(A) may carry out and fund additional projects not designated to the Commissioner of Reclamation under paragraph (1), including—

(i) actions to induce overbank flooding and creation of backwaters;

(ii) salvaging eggs;

(iii) improving monitoring and gaging;

(iv) performing habitat and ecosystem restoration;

(v) regeneration of native vegetation and monitoring of associated water depletions;

(vi) reconstructing a new San Marcial Railroad bridge and realignment of the river channel;

(vii) developing ways to—

(I) increase sediment transport through Jemez Canyon Dam, Galisteo Dam, and Cochiti Lake; and

(II) address issues of contaminated sediment;

(viii) preventing salt cedar encroachment in Angostura, Isleta and San Acacia reaches;

(ix) implementing captive propagation of silvery minnow, including expansion of facilities;

(x) creating at least 2 new naturalized refugia, 1 of which shall be carried out in partnership with the Bureau of Reclamation, United States Fish and Wildlife Service, and Middle Rio Grande Conservancy District without direct oversight by the Collaborative Program, under the Silvery Minnow Off-Channel Sanctuaries Program as authorized under section 6014 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 283);

(xi) monitoring silvery minnow protection and recovery efforts by conducting surveys of populations and habitat above Cochiti Lake;

(xii) developing comprehensive water quality assessments and managing changes in water quality;

(xiii) conducting studies and research necessary to define the needs of listed species; and

(xiv) monitoring the effects of activities on listed species;

(B) shall implement the decisions of the Executive Committee in performing the activities described in subparagraph (A); and

(C) shall coordinate implementation of all other activities carried out within the Middle Rio Grande by the Corps of Engineers with the activities of the Collaborative Program in order to achieve the purposes of the Collaborative Program.

(c) LIMITATIONS.—

(1) ACQUISITION OF LAND OR WATER.—In carrying out this Act, the Secretary or the Secretary of the Interior may only acquire interests in land and water.

(2) WATER RIGHTS.—Nothing in this Act preempts or affects State water law or an interstate compact governing water.

(3) COMPLIANCE.—All actions carried out in accordance with this Act shall be in compliance with applicable State, Federal, or tribal law.

(4) RIO GRANDE COMPACT.—No action carried out under this Act shall impair the ability of the State to meet the obligations of the State under the Rio Grande compact.

(5) STATE LAW.—The Secretary and the Secretary of the Interior shall carry out activities under the Collaborative Program consistent with State law.

(6) CONSULTATION.—

(A) IN GENERAL.—Consultations between governments under this Act shall be carried out between the Secretary or the Secretary of the Interior and tribes prior to initiating actions that would impact tribal land or water rights.

(B) CONSENT REQUIREMENT.—No action involving access to, or use of, pueblo or tribal land may be carried out without prior written consent of the affected pueblo or Indian tribe.

(7) COLLABORATION.—In carrying out this Act, the Secretary and the Secretary of Interior may collaborate with or enter into contracts, cooperative agreements, interagency agreements, or other agreements with, or accept or provide grants to, tribes that—

(A) are signatory members; but

(B) are not represented on the Executive Committee.

(8) NO EFFECT ON CERTAIN AUTHORITY.—Nothing in this Act diminishes the authority, sovereignty, or rights of any person, organization, tribe, or other governmental entity.

(9) NO EFFECT ON CERTAIN DUTIES.—

(A) IN GENERAL.—Nothing in this Act diminishes or impairs—

(i) the trust relationship or responsibility of the Federal Government to any tribe;

(ii) the obligation of the Federal Government to consult with the tribes on a government-to-government basis; or

(iii) the ability of the Federal Government to fund activities for the benefit of the tribes.

(B) FUNDING.—Nothing in this Act restricts the Secretary or the Secretary of the Interior from funding activities in accordance with the Indian trust responsibility of the Federal Government.

(10) NO EFFECT ON RESERVOIR OPERATIONS.—While this Act provides additional authorization for the Secretary and the Secretary of the Interior, nothing expands the discretion of the Secretary or the Secretary of the Interior with respect to operating reservoir facilities under the jurisdiction of the Secretary or the Secretary of the Interior in the Middle Rio Grande.

SEC. 6. REPORTING.

Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Secretary and the Secretary of the Interior shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes expenditure of appropriated funds and cost-share contributions;

(2) describes activities carried out under this Act; and

(3) describes compliance with the purposes of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this Act for each of fiscal years 2006 through 2015.

(2) NONREIUMBURSABLE.—Amounts made available pursuant to paragraph (1) shall be considered nonreimbursable Federal expenditures.

(b) COST ALLOCATION.—

(1) ACTIVITIES AT FULL FEDERAL EXPENSE.—

(A) WATER ACQUISITION.—Water acquisition and the cost of administration for water acquisition and water management by the Bureau of Reclamation described in section 5(b)(1) shall be carried out at full Federal expense.

(B) ADMINISTRATION.—Administration of the Collaborative Program, as described in section 4(d), including the participation of Federal agencies in the Program Implementation Team, shall be carried out at full Federal expense.

(2) COST-SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), all projects or activities of the Collaborative Program not described in paragraph (1) that are carried out by the Secretary or the Secretary of the Interior shall require a non-Federal cost-share of 25 percent.

(B) LIMITATION.—

(i) IN GENERAL.—The total non-Federal share required under subparagraph (A) for all projects during the period of fiscal years 2006 through 2015 shall be not more than $30,000,000.

(ii) FEDERAL EXPENSE.—On satisfaction of the total non-Federal share described in clause (i)—

(I) no further non-Federal share shall be required; and

(II) all projects and activities shall be carried out at full Federal expense.

(C) CONTRIBUTIONS.—The cost-share under subparagraph (A) may be provided as—

(i) in-kind contributions, including participation on the Program Implementation Team or in working groups, the value of which shall be determined by Secretary; or

(ii) direct cash contributions.

(D) PROGRAMMATIC BASIS.—The amount of the Federal and non-Federal cost-shares shall be determined on—

(i) a programmatic, rather than project-by-project, basis; and

(ii) a 3-year interval with excess non-Federal cost-share being credited to subsequent accounting periods.

(c) ADMINISTRATIVE COSTS.—Not more than 15 percent of amounts made available under subsection (a) shall be used to pay the administrative costs of carrying out the Program Implementation Team established under section 4(d).

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. LAUTENBERG, and Mr. LEVIN):

S. 1541. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Public Land Protection and Conservation Act of 2005. I am pleased to have Senators INOUYE, LAUTENBERG and LEVIN join me in cosponsoring the bill. My legislation encourages Federal, State, and local agencies, nonprofit organizations, Indian tribes and private entities to work together through a cost-shared, cooperative grant program to control and mitigate the spread of invasive species.

Invasive species are defined as harmful, nonnative plants, animals, or organisms likely to cause economic harm, environmental harm, or harm to human health. They are widespread throughout the United States and cause billions of dollars of damage annually to crops, rangelands, and waterways. The globalization of trade, the massive volume of cargo shipments, and rising tourism have combined to increase the chance of introductions of nonnative species into the United States. They are responsible for damage to native ecosystems and vital industries such as agriculture, fisheries, and ranching. The economic, social, recreational, and ecological losses attributable to invasive species are huge. A recent Cornell University study estimated that invasive plants and animals cost the U.S. economy $137 billion annually. The costs are predicted to increase substantially as more invasive species enter the country.

The implications of the nationwide invasive species problem are enormous. The Ecological Society of America notes that invasive species contribute to the listing of 35 to 46 percent of all threatened and endangered species. Nowhere, however, are the impacts greater than in my home State of Hawaii. Hawaii is known for its biodiversity. Hawaii has more than 10,000 species found nowhere else on Earth. Unfortunately, invasive species are the number one cause of the decline of Hawaii's threatened and endangered species. This is a serious concern because of the 114 endangered species that have become extinct during the first 20 years of the Endangered Species Act, almost half were in Hawaii. Recently, gall wasps were found laying eggs in wiliwili trees. These trees were once a dominant species in dry Hawaiian forests. Now they are nearly 90 percent gone with the remnants of the remaining trees, primarily found on Maui and the Big Island, threatened by the invasive gall wasp. The fragility of our native species is compounded by the fact that most introduced species have no natural predators in the State, and such predators cannot simply cross a State border to enter Hawaii. Hawaii's Invasive Species Partnerships, a group comprised of a state council and island-based committees stated in its 2004 report that ''the silent invasion of Hawaii by alien invasive species is the single greatest threat to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people and visitors.'' Hawaii is plagued with pest invasions to a greater extent than almost any other location in the world. The invasion has limited our agricultural export market, decreased bio-diversity in the forests, and decimated native bird populations. It is imperative that this serious issue receive our full attention.

Let me give you just a few examples of invasive species problems in Hawaii. Control efforts for the Formosan ground termite are estimated to cost residents in Hawaii more than $150 million per year. Damage to our agricultural industry and the related control costs of the Mediterranean fruit fly are more than $450 million annually. Miconia, an invasive tree infesting more than 15,000 acres of rainforest in Hawaii, eliminates the habitat of endangered plants and animals and causes serious erosion problems that threaten our water supply. Bush Beardgrass is a drought-tolerant grass that increases the risk of brushfires. Wildlife authorities say the grass is beyond control on Kauai and the Big Island. Native birds in our rainforests are succumbing to malaria spread through introduced mosquitos. Coqui frogs can reach densities of 8,000 frogs per acre and threaten Hawaii's real estate, export floriculture, and nursery industries. The brown tree snake has invaded Guam and devastated native bird populations there. If the snakes become established in Hawaii, economic costs have been estimated to exceed hundreds of millions of dollars. Red fire ants threaten the agriculture industry in Hawaii and in 14 Southern States, causing more than $2 billion in annual damage. As you can see, the list

of problems is long and the time to address the issue of invasive species is now, before even more serious problems crop up.

With 73 percent of land in the continental U.S. held privately, our Federal lands will not be adequately protected without public-private partnerships. My bill requires coordination between the National Invasive Species Council, the Department of the Interior, the U.S. Department of Agriculture, and State invasive species councils and plans. The bill authorizes the Secretary of the Interior to provide grants to promote the development of voluntary State assessments to establish inventories and priorities for controlling invasive species. This is a critical step in establishing an invasives program, but many States do not have the resources to carry out this critical assessment. The legislation also provides additional grants to public or private entities, or Indian tribes, to carry out in partnership with a Federal agency an eradication, containment, or management project on Federal land or adjacent land. Control grants are cost-shared with partners. The criteria for ranking control projects include shared priorities in State and Federal plans, the severity of the invasive species impact on a State, and whether the project fosters results through public-private partnerships. Finally, and perhaps most importantly, the bill provides rapid response funds for States facing new outbreaks of invasive species, to eradicate serious new outbreaks. Rapid response funds are critical to States in order to combat newly identified invasives.

I was pleased to see that Federal departments would receive an overall increase for the seven invasive species general categories in the President's fiscal year 2006 proposed budget. I appreciate the consideration that my colleagues on the Appropriations Committee have given this important issue. However, I was dismayed to see that the budget for the category of control of invasive species declined by $25 million from its fiscal year 2005 enacted level. Control is an essential element in combating invasive species and requires additional funding.

I would like to acknowledge the fine work being accomplished by the National Park Service in establishing its Exotic Plant Management Teams. These Teams are designed to provide a highly trained, mobile strike force of plant management specialists to assist parks in the control of exotic plants. Approximately 2.6 million acres in the national parks are infected and 234 parks have invasive animals in need of management. To date, 17 Teams have been deployed throughout the country. I am grateful to the Pacific Island Team for its efforts to protect increasingly rare native communities in the Hawaiian Islands from invasion. Control of exotic species is one of the most significant land management issues facing national parks. Although I applaud the current efforts of the Department of the Interior and the U.S. Forest Service, a more coordinated and forceful attack on invasive species is needed. The attack must have robust funding and work in partnership with the States.

I am particularly pleased that the State of Hawaii is taking a leadership role in addressing its invasive species problems. Two years ago the Hawaii State Legislature established the Hawaii Invasive Species Council to coordinate the State's fight against animal and plant invaders, with the Department of Agriculture and the Department of Land and Natural Resources in leading roles. The Hawaii State Legislature has directed approximately $8 million to the invasives campaign so far. The Hawaii Invasive Species Council and each county council are committed to a proactive approach to preserve the environmental heritage and economic security of our communities for generations to come. In addition, many public and private partnerships have been formed to protect our common natural resources. For example, the East Maui Watershed Partnership brings together multiple public and private landowners and the County of Maui to control invasive species and protect 100,000 acres of our prime watershed areas. This is just one example of many highly successful and dedicated partnerships in Hawaii working to preserve our invaluable resources.

The National Environmental Coalition on Invasive Species, a coalition of representatives from major environmental organizations, has extended its full support for this legislation. Its letter of support calls this bill ''one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health.'' The State of Hawaii, Department of Land and Natural Resources, also supports the bill. The Department acknowledges that success in invasive species projects in Hawaii have come largely from the formation of strong partnerships between State, County and Federal agencies and private groups -exactly what my legislation endorses. My bill is also supported by the Conservation Council of Hawaii, the National Wildlife Federation affiliate in Hawaii. I greatly appreciate these endorsements.

As Federal efforts to combat the growing tide of invasive species increase, some landowners and private property advocates are concerned that increased efforts to combat invasives and support native plants and animals could lead to the next big government invasion of private lands. Let me assure you this is not a property rights issue. Any action taken by governments or nonprofits through this bill can occur only with the participation and willingness of the property owner.

There are increasingly severe problems and economic burdens associated with invasive species in our Nation that are borne at the State and local levels. If ever there was a time to commit to defending the security of our domestic resources for the future, it is now. My legislation provides the support necessary for agencies, organizations, and individuals to implement cooperative projects to address new threats and long-standing invasive species problems. This is an issue that must be confronted.

I ask unanimous consent that text of the bill be printed in the RECORD, as well as the letters of support from Hawaii and national groups, and urge my colleagues to support my legislation.

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

S. 1541

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 ''Public Land Protection and Conservation Act of 2005''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage partnerships among Federal, State, and local agencies, nongovernmental entities, and Indian tribes to protect, enhance, restore, and manage public land and adjacent land through the control of invasive species by—

(1) promoting the development of voluntary State assessments to establish priorities for controlling invasive species;

(2) promoting greater cooperation among Federal, State, and local land and water managers and owners of private land or other interests to implement strategies to control and mitigate the spread of invasive species through a voluntary and incentive-based financial assistance grant program;

(3) establishing a rapid response capability to combat incipient invasive species invasions; and

(4) modifying the requirements applicable to the National Invasive Species Council.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONTROL.—The term ''control'' means—

(A) eradicating, suppressing, reducing, or managing invasive species in areas in which the species are present;

(B) taking steps to detect early infestations of invasive species on Public land and adjacent land that is at risk of being infested; and

(C) restoring native ecosystems to reverse or reduce the impacts of invasive species.

(2) COUNCIL.—The term ''Council'' means the National Invasive Species Council established by section 3 of Executive Order No. 13112 (64 Fed. Reg. 6184).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INVASIVE SPECIES.—The term ''invasive species'' means, with respect to a particular ecosystem, any animal, plant, or other organism (including biological material of the animal, plant, or other organism that is capable of propagating the species)—

(A) that is not native to the ecosystem; and

(B) the introduction of which causes or is likely to cause economic harm, environmental harm, or harm to human health.

(5) NATIONAL MANAGEMENT PLAN.—The term ''National Management Plan'' means the management plan referred to in section 5 of Executive Order No. 13112 (64 Fed. Reg. 6185) and entitled ''Meeting the Invasive Species Challenge''.

(6) PUBLIC LAND.—The term ''Public land'' means all land and water that is—

(A) owned by, or under the jurisdiction of, the United States; and

(B) administered by the Department of the Interior or the Forest Service.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia;

(C) the Commonwealths of Puerto Rico and the Northern Mariana Islands;

(D) the Territories of American Samoa, Guam, and the Virgin Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands; and

(G) the Republic of Palau.

SEC. 4. NATIVE HERITAGE ASSESSMENT AND CONTROL GRANT PROGRAM.

(a) ASSESSMENT GRANTS.—The Secretary may provide to a State a grant to carry out an assessment project consistent with relevant invasive species management plans of the State to—

(1) identify invasive species that occur in the State;

(2) survey the extent of invasive species in the State;

(3) assess the needs to restore, manage, or enhance native ecosystems in the State;

(4) identify priorities for actions to address those needs;

(5) incorporate, as applicable, the guidelines of the National Management Plan; and

(6) identify methods to—

(A) control or detect incipient infestations of invasive species in the State; or

(B) control or assess established populations of invasive species in the State.

(b) CONTROL GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to appropriate public or private entities and Indian tribes to carry out, in partnership with a Federal agency, control projects for the management or eradication of invasive species on Public land or adjacent land that—

(A) include plans for—

(i) monitoring the project areas; and

(ii) maintaining effective control of invasive species after the completion of the projects, including through the conduct of restoration activities;

(B) in the case of a project on adjacent land, are carried out with the consent of the owner of the adjacent land; and

(C) provide public notice to, and conduct outreach activities relating to the control projects in, communities in which control projects are carried out.

(2) PRIORITY.—In prioritizing grants for control projects, the Secretary shall consider—

(A) the extent to which a project would address—

(i) the priorities of a State for invasive species control; and

(ii) the priorities for invasive species management on Public land, such as the priorities for management on National Park System and National Forest System land;

(B) the estimated number of, or extent of infestation by, invasive species in the State;

(C) whether a project would encourage increased coordination and cooperation among 1 or more Federal agencies and State or local government agencies to control invasive species;

(D) whether a project—

(i) fosters public-private partnerships; and

(ii) uses Federal resources to encourage increased private sector involvement, including the provision of private funds or in-kind contributions;

(E) the extent to which a project would aid the conservation of species included on Federal or State lists of threatened or endangered species;

(F) whether a project includes pilot testing or a demonstration of an innovative technology that has the potential to improve the cost-effectiveness of controlling invasive species; and

(G) the extent to which a project—

(i) considers the potential for unintended consequences of control methods on native species; and

(ii) includes contingency measures to address the unintended consequences.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) not later than 180 days after the date on which funds are made available to carry out this Act, publish guidelines and solicit applications for grants under this section;

(2) not later than 1 year after the date on which funds are made available to carry out this Act, evaluate and approve or disapprove applications for grants submitted under this section;

(3) consult with the Council on—

(A) any projects proposed for grants under this section, including the priority of proposed projects for the grants; and

(B) providing a definition of the term ''adjacent land'' for purposes of the control grant program under subsection (b);

(4) consult with the advisory committee established under section 3(b) of Executive Order No. 13112 (64 Fed. Reg. 6184) on projects proposed for a grant under this section, including the scientific merit, technical merit, and feasibility of a proposed project; and

(5) if a project is conducted on National Forest System land, consult with the Secretary of Agriculture.

(d) GRANT DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall provide funding for the Federal share of the cost of a project for not more than 2 fiscal years.

(2) RENEWAL OF CONTROL PROJECTS.—

(A) IN GENERAL.—If the Secretary, after reviewing the reports submitted under subsection (f) with respect to a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for an additional 3 fiscal years.

(B) IMPLEMENTATION OF MONITORING AND MAINTENANCE PLAN.—The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (b) for not more than 10 years after the project is otherwise complete.

(e) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under subsection (b), the Secretary shall, to the maximum extent practicable, ensure that—

(1) at least 50 percent of control project funds are spent on land adjacent to Public land; and

(2) there is a balance of smaller and larger control projects conducted with grants under that subsection.

(f) REPORTING BY GRANT RECIPIENT.—

(1) ASSESSMENT PROJECTS.—Not later than 2 years after the date on which a grant is provided under subsection (a), a grant recipient carrying out an assessment project shall submit to the Secretary and the Governor of the State in which the assessment project is carried out a report on the assessment project.

(2) CONTROL PROJECTS.—A grant recipient carrying out a control project under subsection (b) shall submit to the Secretary—

(A) an annual synopsis of the control project; and

(B) a report on the control project not later than the earlier of—

(i) at least once every 2 years; or

(ii) the date on which the grant expires.

(3) CONTENTS.—A report submitted under this subsection shall include—

(A) a detailed accounting of—

(i) the funding made available for the project; and

(ii) any expenditures made for the project; and

(B) with respect to a control project—

(i) a chronological list of any progress made with respect to the project;

(ii) specific information on the methods and techniques used to control invasive species in the project area;

(iii) trends in the population size and distribution of invasive species in the project area; and

(iv) the number of acres of the native ecosystem protected or restored.

(g) COST-SHARING REQUIREMENT.—

(1) PROJECTS ON ADJACENT LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a control project carried out on adjacent land shall be not more than 75 percent.

(B) CERTAIN CONTROL PROJECTS.—The Federal share of a control project carried out on adjacent land that uses pilot testing, demonstrates an innovative technology, or provides for the conservation of threatened or endangered species shall be 85 percent.

(2) PROJECTS ON PUBLIC LAND.—The Federal share of the cost of the portion of a control project that is carried out on Public land shall be 100 percent.

(3) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of the costs of a control project the fair market value of services or any other form of in-kind contribution to the project made by a non-Federal entity.

(4) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(h) REPORTING BY SECRETARY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report that—

(A) describes the implementation of this section; and

(B) includes a determination whether the grants authorized under subsections (a) and (b) should be expanded to land and water that are owned and administered by Federal agencies other than the Department of the Interior or the Forest Service.

(2) CONTENTS.—A report under paragraph (1) shall include a review of control projects, including—

(A) a list of control projects selected, in progress, and completed;

(B) an assessment of project impacts, including—

(i) areas treated; and

(ii)(I) if feasible, a measurement of invasive species eradicated; or

(II) an estimate of the extent to which invasive species have been reduced or contained;

(C) the success and failure of control techniques used;

(D) an accounting of expenditures by Federal, State, regional, and local government agencies and other entities to carry out the projects;

(E) a review of efforts made to maintain an appropriate database of projects assisted under this section; and

(F) a review of the geographical distribution of Federal funds, matching funds, and in-kind contributions provided for projects.

SEC. 5. RAPID RESPONSE ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide financial assistance to States, local governments, public or private entities, and Indian tribes for a period of 1 fiscal year to enable States, local governments, nongovernmental entities, and Indian tribes to rapidly respond to outbreaks of invasive species that are at a stage at which rapid eradication or control is possible.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary shall—

(1) at the request of the Governor of a State—

(A) provide assistance under this section to the State, a local government, public or private entity, or Indian tribe for the eradication of an immediate invasive species threat in the State if—

(i) there is a demonstrated need for the assistance;

(ii) the invasive species is considered to be an immediate threat to native ecosystems, human health, or the economy, as determined by the Secretary; and

(iii) the proposed response of the State, local government, public or private entity, or Indian tribe to the threat—

(I) is technically feasible; and

(II) minimizes adverse impacts to native ecosystems and non-target species; or

(B) if the requirements under subparagraph (A) are not met, submit to the Governor of the State, not later than 30 days after the date on which the Secretary received the request, written notice that the State is not eligible for assistance under this section;

(2) determine the amount of financial assistance to be provided under this section, subject to the availability of appropriations, with respect to an outbreak of an invasive species;

(3) require that entities receiving assistance under this section monitor and report on activities carried out with such assistance in the same manner that control project grant recipients monitor and report on such activities; and

(4) expedite environmental and regulatory reviews to ensure that an outbreak of invasive species can be addressed within the 180-day period beginning on the date on which the State notifies the Secretary of the outbreak.

SEC. 6. RELATIONSHIP TO OTHER AUTHORITIES.

Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

SEC. 7. BUDGET CROSSCUT.

Not later than March 31, 2006, and each year thereafter, the Director of the Office of Management and Budget, in consultation with the Council, shall submit to Congress—

(1) a comprehensive budget analysis and summary of Federal programs relating to invasive species; and

(2) a list of general priorities, ranked in high, medium, and low categories, of Federal efforts and programs in—

(A) prevention;

(B) early detection and rapid response;

(C) eradication, control, management, and restoration;

(D) research and monitoring;

(E) information management; and

(F) public outreach and partnership efforts.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSESSMENT GRANTS.—There are authorized to be appropriated to the Secretary to carry out assessment projects under section 4(a)—

(1) $25,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2010.

(b) CONTROL GRANTS.—There are authorized to be appropriated to the Secretary to carry out control projects under section 4(b)—

(1) $175,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2010.

(c) RAPID RESPONSE ASSISTANCE.—There are authorized to be appropriated to the Secretary to carry out section 5—

(1) $50,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2010.

(d) CONTINUING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(e) ADMINISTRATIVE EXPENSES OF SECRETARY.—Of amounts made available each fiscal year to carry out this Act, the Secretary may expend not more than 5 percent to pay the administrative expenses necessary to carry out this Act.

THE NATIONAL ENVIRONMENTAL COALITION ON INVASIVE SPECIES,

July 22, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The member organizations of the National Environmental Coalition on Invasive Species are writing in support of the Pubic Land Protection and Conservation Act of 2005.

Separately, our individual organizations have protested millions of acres of land; worked with thousands of corporate partners, affiliates, and community groups; and provided scientific, economic, and legal analyses that advocate responsible policy solutions to the international, national, and local level.

Together, our organizations have over six million individual members and supporters. The threat that invasive species pose to our environment and economy and our interest in finding equitable, practical, and cost-effective solutions to this environmental problem unites us in this Coalition.

Invasive species that choke out, devour, and destroy native wildlife and their habitat have infested more than 100 million acres of the American landscape. An additional three million acres are lost each year to invasive weeds—an area equal to a strip of land two miles wide stretching from coast to coat. Invasive species are one of the most critical threats to America's natural diversity and pose clear risks to the nation's waters, forests, farmlands, rangelands, wetlands, natural area, and public and private property values. Experts estimates that these fast moving invaders are already causing $130 billion of damage each year to the economy.

The Public Land Protection and Conservation Act of 2005 is one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health. We applaud this effort to use federal funding as an incentive to encourage local government agencies, private organizations, and individuals to be more proactive in managing invasive and invading species. The Native Heritage Control Grant Program offered in the bill is noteworthy not only in that it provides such incentives, but also in that it provides additional encouragement for innovative technologies and work to benefit endangered species. The Control Grant Program is aptly tailored to encourage partnerships and work on federal and non-federal land. Invasive species do not respect administrative or political boundaries and we cannot hope to protect the best federal lands without the cooperation of neighboring landowners. Similarly helping private landowners and local governments deal with their invasive species problems is also extremely important, as recognized in this bill.

The Public Land Protection and Conservation Act of 2005 reflects some of the latest scientific conclusions on invasive species—we strongly support your esblishment of 'rapid response' funding to deal with incipient invasions. There is broad consensus among organizations, scientists, and state and federal agencies that eradicating invaders before they become widely established is second only to prevention as the most cost-effective and ultimately successful way to stop invasions. This rapid response program will be critical if the brown tree snake) Boiga irregularis) ever reaches Hawaii from Guam, if the European green crab (Carcinus maenas) ever reaches Alaska from California, or countless other potential invasions occur on our coasts, inland rangelands, grasslands, wetland, and waterways.

The Public Land Protection and Conservation Act of 2005 contains useful deadlines and guidance to help ensure that Assessment Grants, Rapid Response Assistance, and Control Grants are delivered effectively, translating into meaningful conservation results on the ground. The Coalition strongly supports the inclusion of this language, which will help get these programs up and running quickly, and help ensure quick success against rapidly spreading problems. As this bill recognizes, it is particularly important for Rapid Response Assistance to be delivered as quickly as possible after a state requests such assistance, because time is of the essence to prevent new invaders from getting a foothold within a state.

The National Environmental Coalition on Invasive Species supports this proposed legislation as now written. The grant programs it establishes are sorely needed to address the widespread damage being caused by invasive species all across America. We look forward to working with you and your staff on this legislation that will help address America's dire invasive species problem.

Sincerely,

GABY CHAVARRIA, PH.D,
Vice President for Conservation, Defenders of Wildlife.

PETER T. JENKINS,
Attorney/Policy Analyst, International Center for Technology Assessment.

TIMOTHY MALE, PH.D,
Senior Ecologist, Environemtnal Defense.

MIKE DAULTON,
Assistant Director, National Audubon Society.

ADAM KOLOTN,
Director, Congressional & Federal Affairs, National Wildlife Federation.

PHYLLIS N. WINDLE, PH.D,
Senior Scientist, Union of Concerned Scientists.

JOHN M. RANDALL,
Director, Invasive Species Initiative, The Nature Conservancy.

JUNE 14, 2004.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Conservation Council of Hawaii commends you for introducing the Public Land Protection and Conservation Act of 2004. This bill will be instrumental in preventing the invasion of new invasive species, and help prevent the spread of invasives that have already taken root in the United States.

In Hawaii, we know first hand that invasive species choke out, devour, and destroy native wildlife and their habitat. Throughout the nation, invasive species have infested more than 100 million acres of the American landscape and an additional three million acres are lost each year to invasive weeds. Invasive species are one of the most critical threats to America's natural diversity and pose clear risks to the nation's waters, forests, farmlands, rangelands, wetlands, natural areas, and public and private property values. Experts estimate that these fast moving invaders are already causing $130 billion of damage each year to the economy and are the second leading cause, after habitat loss, for wildlife being listed as threatened and endangered.

The Public Land Protection and Conservation Act of 2004 is one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health. We applaud this effort to use federal funding as an incentive to encourage local government agencies, private organizations, and individuals to be more proactive in managing invasive and invading species. The Native Heritage Control Grant Program offered in the bill is noteworthy not only in that it provides such incentives, but also in that it provides additional encouragement for innovative technologies and work to benefit endangered species. The Control Grant Program is aptly tailored to encourage partnerships and work on federal and non-federal land. Invasive species do not respect administrative or political boundaries and we cannot hope to protect the best federal lands without the cooperation of neighboring landowners. Similarly, helping private landowners and local governments deal with their invasive species problems is also extremely important, as recognized in this bill.

The Public Land Protection and Conservation Act of 2004 reflects some of the latest scientific conclusions on invasive species—we strongly support your establishment of 'rapid response' funding to deal with incipient invasions. There is broad consensus among organizations, scientists, and state and federal agencies that eradicating invaders before they become widely established is second only to prevention as the most cost-effective and ultimately successful way to stop invasions. This rapid response program will be critical if the brown tree snake (Boiga irregularis) ever reaches Hawaii from Guam, if the European green crab (Carcinus maenas) ever reaches Alaska from California, or countless other potential invasions occur on our coasts, inland rangelands, grasslands, wetlands, and waterways.

The Conservation Council of Hawaii strongly supports this proposed legislation. We look forward to working with you and your staff on this legislation to ensure its successful passage.

Sincerely,

MARJORIE ZIEGLER,
President, Conservation Council of Hawaii.

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES,
Honolulu, HI, April 22, 2004.

Hon. DANIEL K. AKAKA,
Prince Kuhio Federal Building,
Honolulu, HI.

DEAR SENATOR AKAKA: I would like to thank you and acknowledge the State of Hawaii's support for the Public Land Conservation Act of 2004. We feel this legislation will achieve its stated purpose of encouraging Federal, State, local and nongovernmental partnerships to assess and control invasive species on Federal and adjacent lands.

I believe that Hawaii is the best state model for developing strategies for federal agencies, not only to work together more effectively, but also to work in partnership with state and local government entities. Increasing success in invasive species projects in Hawaii has come largely from the formation of strong partnerships between State, County and Federal agencies and private groups. Just as many landowners and businesses are affected by the same invasive species concerns, many agencies are responsible for the pathways that bring potentially invasive species into Hawaii, regulate their movement and control their spread.

Partnerships to address invasive species issues have been responsible for the greatest improvements in Hawaii's ability to respond to recognized priority pests. In Hawaii, combining limited resources, authority, and expertise has led to the creation of Invasive Species Committees that carry out on the ground actions, the Coordinating Group on Alien Pest Species that has allowed agency staff to develop integrated policies within the state and most recently the Hawaii Invasive Species Council composed of State agency heads.

Implementation of current management plans developed by coordinated efforts of relevant public agencies and affected local constituents in Hawaii can help build the framework to begin or enhance larger-scale regional strategies to combat wide-ranging invasive species. Federal investments to support local, State, and regional partners who are prepared to take action now against known priority invasive species will provide valuable lessons for other regions and promote innovation and efficiency in protection and public outreach strategies. By promoting their progress, these partnerships will in turn help identify the policy and legal obstacles to success as well as build a constituency for more effective invasive-species prevention and control programs in other areas.

Please let me know of any way that we can help support this important piece of legislation. Mahalo.

Sincerely,

PETER T. YOUNG,
Chairperson

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

II S. 1545. A bill to withdraw the Los Padres National Forest in California from location, entry, and patent under mining laws, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am introducing legislation today that would ban additional oil and gas drilling in the Los Padres National Forest. My colleague from California, Senator FEINSTEIN, joins me in this effort. Representative CAPPS introduced companion legislation in the House of Representatives earlier this month.

Los Padres National Forest is on California's central coast, stretching from Monterey County's Big Sur down to Ventura and the western edge of Los Angeles County. Covering almost 1.75 million acres, it is California's third-largest national forest and one of the State's most visited. Los Padres National Forest is an ecological treasure and a recreational refuge in one of California's, indeed America's, most densely populated areas.

It provides habitat for 20 threatened and endangered wildlife species, including the spectacular California condor. Los Padres also contains unexplored archaeological sites that contain Native American historical artifacts.

Yet, despite these facts and strong local opposition to oil and gas drilling in the Forest, the Forest Service announced today that it will open up more than 52,000 acres of land to oil and gas drilling in Los Padres National Forest. While this is far less land than the Forest Service previously considered opening, additional drilling is simply unacceptable. That is why I am introducing legislation to prevent this new drilling, and any future drilling from occurring in Los Padres National Forest.

Additional oil and gas drilling will threaten the pristine and unspoiled lands in the Forest. It could damage or destroy Native American artifacts. And, it could ruin recreational opportunities by contaminating streams and increasing air pollution.

My legislation is a critical step toward protecting the irreplaceable natural, cultural, and recreational resources of the Los Padres National Forest. I urge my colleagues to support this legislation.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1548. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I introduce a bill that is very important to a small community in my home State of Alaska. This bill will authorize the U.S. Forest Service to convey approximately 12 acres of land, which it no longer needs but continues to own in Coffman Cove, AK to the city of Coffman Cove. The bill authorizes that the land, a former administrative site, be conveyed without charge to the city which has a population of about 230 people.

Coffman Cove was founded in 1965 as a logging community to provide support for the timber industry on Prince of Wales Island in the Tongass National Forest. It operated for almost 35 years in that capacity. Due to changes in Federal policy, the timber industry on the island no longer provides the economic base necessary to sustain Coffman Cove. Attempts at economic diversification are very difficult so long as the Forest Service holds in Federal ownership these 12 acres which literally occupy the center of this small community.

Just a few years ago, the Forest Service in conjunction with the timber industry completed the environmental cleanup of the logging site and facility at Coffman Cove. That cleanup was funded by the timber industry as good corporate citizens. The result of the cleanup is that the 12 acres can now be made available for disposal to the city.

This bill, in which I am joined by my colleague Mr. STEVENS, would convey title to the City without cost so that it

can begin a redevelopment plan for the community. The city of Coffman Cove needs this land if it is to hope to reorient its economy from a principally logging community to a more diversified economic community. A small town of 230 people simply does not have the funds to purchase this land and the Federal Government needs to pitch in by conveying full title without cost to the community.

This is only fair since the Federal Government's change in timber policy has created the city's dilemma. As a result of the change in timber policy with which the Senate is so familiar, the city has been set adrift to fend for itself economically. And it has done a good job. It will soon become the southern terminus for the Inter-Island Ferry Authority's new northern route which will connect Prince of Wales Island with Wrangell and Petersburg. The new route will go into service in the next few months and this should provide an economic boost to the community.

But, Coffman Cove must control the land in the heart of its community if it is to economically diversify. For the new ferry route to bring economic development to the City, the City must able to sell, rent, or develop its local land base. The 12 acres which are the subject of my bill are the 12 key acres right in the center of town. Now this is a small town and without control of this land, the City cannot ever successfully diversity and recovers from the change in its economy as a result of the change in Federal timber policy.

This Forest Service desires to retain a 3 acre site for its continued administrative purposes. My bill does not affect that site and I expect the Forest Service to have no problem with the land conveyance locations provided in this bill. I appreciate the assistance of the Forest Service in helping me to draft the legislation.

This conveyance fulfills the Federal Government's commitment that changes in Federal timber policy would be matched by Federal help to the local communities to diversify. It is absolutely appropriate and fair to offer Coffman Cove this former Forest Service administrative site that no longer has value to the Federal government but that is crucial to Coffman Cove as it plans its future.

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

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

S. 1548

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 ''Coffman Cove Administrative Site Conveyance Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the community of Coffman Cove, Alaska, which originated as a logging camp in the 1960's, was incorporated as a city in 1989;

(2) the Forest Service property located in the center of the City was used by the Forest Service as a work center;

(3) the Forest Service work facilities included part of the logging camp, a log sort yard, and a log transfer site, all of which supported the long-term timber sale operations and other subsequent timber sales in the Tongass National Forest;

(4) as the long-term timber sale operations concluded, the need for the Forest Service to use the Forest Service site in Coffman Cove diminished;

(5) the Forest Service work center facilities that supported timber operations have been removed and the site has been restored;

(6) the location of the administrative site interferes with the ability of the City to further develop commercial operations and tourism support facilities relating to a new ferry terminal;

(7) the City wants to acquire a portion of the site to continue the transition of the City from a timber-dependent economy to a more fully developed and diversified economy; and

(8) the Forest Service expects that only approximately 3 acres of the administrative site will be used in the future for National Forest System purposes.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. CONVEYANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall convey to the City, without consideration and without additional warrants or liability on behalf of the United States, fee simple title to the parcel of Forest Service land described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of Forest Service land referred to in subsection (a) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(2) EXCLUDED LAND.—The parcel of Forest Service land conveyed under subsection (a) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(c) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the Forest Service land excluded from the conveyance to the City under subsection (b)(2).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 218—DESIGNATING SEPTEMBER 2005 AND SEPTEMBER 2006 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. CORZINE, Mr. BUNNING, Ms. LANDRIEU, Mr. HATCH, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. LOTT, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 218

Whereas countless families in the United States have a family member that suffers from prostate cancer;

Whereas 1 in 6 men in the United States is diagnosed with prostate cancer;

Whereas throughout the past decade, prostate cancer has been the most commonly diagnosed type of cancer other than skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2005, more than 232,090 men in the United States will be diagnosed with prostate cancer and 30,350 men in the United States will die of prostate cancer according to estimates from the American Cancer Society;

Whereas 30 percent of the new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of being diagnosed with prostate cancer;

Whereas African American males suffer from prostate cancer at an incidence rate up to 65 percent higher than white males and at a mortality rate double that of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the chance that the disease will lead to death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can detect prostate cancer in earlier and more treatable stages and reduce the rate of mortality due to the disease;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2005 and September 2006 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility to—

(A) raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) increase research funding to be proportionate with the burden of prostate cancer so that the causes of the disease, improved screening and treatments, and ultimately a cure may be discovered; and

(C) continue to consider methods to improve both access to and the quality of health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons to—

(A) promote awareness of prostate cancer;

(B) take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) observe September 2005 and September 2006 with appropriate ceremonies and activities.

SENATE RESOLUTION 219—DESIGNATING MARCH 8, 2006, AS ''ENDANGERED SPECIES DAY'', AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO BECOME EDUCATED ABOUT, AND AWARE OF, THREATS TO SPECIES, SUCCESS STORIES IN SPECIES RECOVERY, AND THE OPPORTUNITY TO PROMOTE SPECIES CONSERVATION WORLDWIDE

Mrs. FEINSTEIN (for herself, Mr. CHAFEE, Mrs. CLINTON, and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 219

Whereas in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2006, as ''Endangered Species Day''; and

(2) encourages—

(A) educational entities to spend at least 30 minutes on ''Endangered Species Day'' teaching and informing students about threats to, and the restoration of, endangered species around the world;

(B) organizations, businesses, and agencies with a shared interest in conserving endangered species to collaborate on educational information for use in schools; and

(C) the people of the United States to observe the day with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution to establish ''Endangered Species Day'' on March 8, 2006. I am submitting this resolution with Senators CHAFEE, CLINTON, and CRAPO whose co-sponsorship I greatly appreciate.

Additionally, I want to commend my constituent Mr. David Robinson for suggesting the establishment of an ''Endangered Species Day.'' I have appreciated his hard work and dedication. Individuals like Mr. Robinson do make a difference.

The designation of an ''Endangered Species Day'' provides a multitude of opportunities for young people, students, and the general public to learn more about endangered species in both our country and abroad. It is my hope that establishing an ''Endangered Species Day'' encourages schools, civic organizations, agencies, and businesses to educate the general public about the threats to and our efforts to restore these precious species in our midst. I believe that ''Endangered Species Day'' will foster increased communication and awareness about many of the most endangered species by encouraging such activities as school field trips to the zoo or attending a lecture at the local library.

With the recent discovery of the once thought to be extinct Ivory-billed Woodpecker in Arkansas and the Mount Diablo Buckwheat in California, I think this is an opportune moment to highlight the success of many of our conservation efforts. For example, in my home State of California, I am especially proud of the conservation and management efforts that have helped significantly restore populations of California condor, winter run chinook salmon, the least Bell's vireo songbird, and the California gray whale.

Despite these success stories, we need to be aware that more needs to be done. At this time, we have more than 1,000 species in the U.S. and abroad, which are designated as ''at risk'' for extinction. One small step is to increase awareness about the seriousness of the circumstances facing many of these endangered species and educating the public about these species.

I am introducing this bill with the hope that ''Endangered Species Day'' can spark the wonder and interest in our youth to continue the conservation efforts we have begun but still are far from finishing.

SENATE RESOLUTION 220—TO EXPRESS THE CONCERN OF THE SENATE REGARDING THE PASSAGE OF THE ANTI-SECESSION LAW BY THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA AND TAIWAN ON AN EQUAL FOOTING WITHOUT PRECONDITIONS

Mr. GRAHAM (for himself, Mr. ALLEN, Mr. JOHNSON, Mr. BIDEN, Mr. KYL, Mr. BOND, Mr. COBURN, Mr. ALLARD, Mr. ROCKEFELLER, Mr. DORGAN, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 220

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan is of grave concern to the United States;

Whereas the People's Republic of China increased its military budget by 12.6 percent this year and currently maintains approximately 700 conventional missiles and 250,000 troops along the Taiwan Strait;

Whereas the National People's Congress of the People's Republic of China on March 14, 2005, passed an anti-secession law creating a legal framework for possible use of force against Taiwan;

Whereas the anti-secession law mandates that China use military action under certain circumstances, including when ''possibilities for a peaceful reunification should be completely exhausted'';

Whereas any threat of force against Taiwan only serves to escalate tension between Taiwan and the People's Republic of China, impede dialogue between the 2 countries, and undermine regional peace and security;

Whereas the anti-secession law endorses dialogue between China and Taiwan ''on an equal footing,'' and calls on China to promote peace and stability through personal exchanges, closer economic ties, and other measures;

Whereas, in recent years, Taiwan has invested more than $80,000,000,000 in enterprises in China, and China is now Taiwan's largest trading partner, with total trade worth over $50,000,000,000;

Whereas, on February 24, 2005, Chen Shuibian, the President of Taiwan, and James Soong, the leader of the People's First Party, issued a 10-point consensus affirming their commitment to preserve the status quo regarding the issue of independence or unification and outlining steps to reinforce economic, cultural, and academic exchanges with mainland China;

Whereas, in recent months, Lien Chan, the leader of the Nationalist Party, and Mr. Soong have made private visits to China and met with senior Chinese officials; and

Whereas there have been no official talks on future relations between Taiwan and the People's Republic of China since 1998, and China recently rejected a proposal by Taiwan for a meeting at a neutral location: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should direct all appropriate officials of the United States Government to convey to their counterpart officials in the Government of China the grave concern with which the United States Government views the threat of force embodied in the anti-secession law enacted by the Government of the People's Republic of China in particular, and the growing Chinese military threat to Taiwan in general; and

(2) the United States Government should continue to encourage dialogue between the People's Republic of China and Taiwan on an equal footing and without preconditions.

SENATE RESOLUTION 221—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL CAMPUS SAFETY AWARENESS MONTH''

Mr. FEINGOLD (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 221

Whereas college and university campuses are subject to criminal threats both from within and outside their borders;

Whereas under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act a total of 86 homicides, 7,648 sex offenses, 9,649 aggravated assaults, and 3,590 arsons were reported on-campus from 2000 to 2002;

Whereas between ⅕ and ¼ of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers;

Whereas each year more than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault;

Whereas each year more than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking;

Whereas 1,400 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes;

Whereas each year there is approximately $2.8 million dollars worth of property damage from fires on-campus;

Whereas Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, and the University of Wisconsin-Green Bay Student Government Association have designated September 2005 as National Campus Safety Awareness Month; and

Whereas the designation of National Campus Safety Awareness Month provides an opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of ''National Campus Safety Awareness Month''.

SENATE RESOLUTION 222—HONORING THE VICTORIES OF TEAM DISCOVERY AND AMERICAN CYCLISTS LANCE ARMSTRONG AND GEORGE HINCAPIE IN THE 2005 TOUR DE FRANCE

Mrs. HUTCHISON (for herself, Mr. DEMINT, Mr. CORNYN, Mr. MARTINEZ, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas Team Discovery included Lance Armstrong of Texas and George Hincapie of South Carolina from the United States, José Luis Rubiera, Manuel Beltran, and Benjamin Noval from Spain, Pavel Padrnos from the Czech Republic, José Azevedo from Portugal, Paolo Savoldelli from Italy, and Yaroslav Popovych from Ukraine;

Whereas Team Discovery won the 2005 Tour de France under the leadership of Lance Armstrong, who rode to victory by completing the 2,232-mile, 21-stage course in 86 hours, 15 minutes, and 2 seconds, finishing 4 minutes and 40 seconds ahead of his nearest competitor;

Whereas, by winning the Tour de France on July 24, 2005, Lance Armstrong became the only competitor in the history of the Tour de France to win cycling's most prestigious race in 7 consecutive years;

Whereas George Hincapie rode stage 15, which was 127.4 miles long and included 1 above category climb, 4 category 1 climbs, and 1 category 2 climb, for a total of 33.5 miles of climbing at an average gradient of 7.96 percent;

Whereas stage 15 was considered the hardest stage of the 2005 Tour de France and the victory of George Hincapie atop Pla d'Adet marks his first Tour de France stage victory;

Whereas George Hincapie is only the 8th competitor from the United States to win a stage in the Tour de France;

Whereas George Hincapie has participated in the Tour de France 10 times and is the only teammate to assist Lance Armstrong in each of his Tour de France victories;

Whereas Lance Armstrong and George Hincapie displayed incredible perseverance, determination, and leadership over 7 years with their teammates in prevailing over the mountainous terrain of the Alps and Pyrenees and in overcoming crashes, illness, hard-charging rivals, and driving rain on the way to winning the premier cycling event in the world;

Whereas, in 1996, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and has remained cancer-free since treatment for the disease;

Whereas Lance Armstrong is the 1st cancer survivor to win the Tour de France;

Whereas the accomplishments of Team Discovery have made the team an inspiration to millions of people around the world: Now, therefore, be it

Resolved, That the Senate—

(1) honors—

(A) the victory of Team Discovery in the 2005 Tour de France;

(B) professional cyclist Lance Armstrong for his record 7th consecutive Tour de France victory; and

(C) professional cyclist George Hincapie for his 1st Tour de France stage victory; and

(2) commends Lance Armstrong and George Hincapie for being pioneers of the sport of cycling in the United States.

SENATE RESOLUTION 223—SUPPORTING THE GOALS AND IDEALS OF ''NATIONAL LIFE INSURANCE AWARENESS MONTH''

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. VITTER, Mr. MARTINEZ, Mr. THUNE, Mr. JOHNSON, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 223

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in ¾ of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;

Whereas individuals, families, and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2005 as ''National Life Insurance Awareness Month'', the goal of which is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1633. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table.

SA 1634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, supra; which was ordered to lie on the table.

SA 1635. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1636. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1637. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1638. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1639. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1640. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1641. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1642. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, supra; which was ordered to lie on the table.

SA 1643. Mr. FRIST (for Mr. DORGAN (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 792, to establish a National sex offender registration database, and for other purposes.

TEXT OF AMENDMENTS

SA 1633. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, between lines 2 and 3, insert the following:

''(iv) an action brought in any case in which the product, whether imported or manufactured domestically, failed to meet the most effective safety standards established for imported handguns, as determined by the Bureau of Alcohol, Tobacco, Firearms and Explosives;''.

SA 1634. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, insert the following:

SEC. 5. DOMESTIC HANDGUN STANDARDS.

Not later than 180 days after the date of enactment of this Act, and after thorough public hearings and review, the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall promulgate regulations applying the most effective safety standards to domestically manufactured handguns that now apply to imported handguns, as described in section 925(d)(3) of title 18, United States Code, and regulations issued under such section.

SA 1635. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, strike line 3 and all that follows through page 11, line 2, and insert the following:

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) any case against a manufacturer or seller based on an incident involving terrorism, as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15)).

(B) NEGLIGENT ENTRUSTMENT.—As used in subparagraph (A)(ii), the term ''negligent entrustment'' means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) RULE OF CONSTRUCTION.—The exceptions enumerated under clauses (i) through (vi)

SA 1636. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, insert the following:

SEC. 5. IDENTIFICATION OF TERRORISTS.

(a) IN GENERAL.—Section 922(t) of title 18, United States Code, is amended by adding after paragraph (6) the following:

''(7) If the national criminal background check system indicates that a person attempting to purchase a firearm or applying for a State permit to possess, acquire, or carry a firearm is identified as a known or suspected member of a terrorist organization in records maintained by the Department of Justice or the Department of Homeland Security, including the Violent Gang and Terrorist Organization File, or records maintained by the Intelligence Community, including records maintained under section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2)—

''(A) all information related to the prospective transaction shall automatically and immediately be transmitted to the appropriate Federal and State counterterrorism officials, including the Federal Bureau of Investigation;

''(B) the Federal Bureau of Investigation shall coordinate the response to such an event; and

''(C) all records generated in the course of the check of the national criminal background check system, including the ATF Form 4473, that are obtained by Federal and State officials shall be retained for a minimum of 10 years.''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 18.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting after ''transfer'' the following: '', except as provided in paragraph (7)''.

SA 1637. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 6, strike lines 10 through 19 and insert the following:

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL COURT.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending in a Federal court on the date of enactment of this Act shall be immediately dismissed by the court in which the action was brought or is currently pending.

SA 1638. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, add the following:

TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2005

SEC. 201. SHORT TITLE.

This title may be cited as the ''Gun Show Loophole Closing Act of 2005''.

SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term 'special firearms event'—

''(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

''(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

''(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

''(37) The term 'special firearms event licensee' means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

''(38) The term 'special firearms event vendor' means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

''§ 932. Regulation of firearms transfers at special firearms events

''(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

''(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

''(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

''(A) a ledger with identifying information concerning the vendor; and

''(B) a notice advising the vendor of the obligations of the vendor under this chapter;

''(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

''(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

''(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

''(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

''(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a

special firearms event licensee in accordance with subsection (d).

''(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

''(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

''(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

''(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

''(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

''(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

''(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2005, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

''(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

''(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

''(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

''(A) on a form specified by the Attorney General; and

''(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

''(i) the office specified on the form described in subparagraph (A); and

''(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

''(4) comply with all recordkeeping requirements under this chapter.

''(e) SPECIAL FIREARMS EVENT LICENSE.—

''(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

''(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

''(A) the applicant is 21 years of age or older;

''(B) the application includes a photograph and the fingerprints of the applicant;

''(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

''(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

''(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

''(F) the applicant certifies that—

''(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

''(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

''(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

''(3) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of $200 for 3 years, and upon renewal of a valid registration and payment of a fee of $90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

''(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

''(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

''(5) RESTRICTIONS.—

''(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

''(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

''(f) DEFINED TERM.—In this section, the term 'firearm transaction'—

''(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

''(2) does not include—

''(A) the mere exhibition of a firearm; or

''(B) the sale, transfer, or exchange of firearms between immediate family members, including parents, children, siblings, grandparents, and grandchildren.''.

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

''(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

''(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

''(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

''(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

''(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

''(ii) impose a civil fine in an amount equal to not more than $10,000.''.

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking ''or licensed collector'' and inserting ''licensed collector, or special firearms event licensee''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

''932. Regulation of firearms transfers at special firearms events.''.

SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check

System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electronically notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking ''or licensed dealer'' and inserting ''licensed dealer, or special firearms event operator''.

SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) If the violation described in subparagraph (A) is in relation to an offense—

''(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

''(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking ''subsection (s) or (t) of section 922'' and inserting ''section 922(s)''; and

(2) by adding at the end the following:

''(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.''.

SEC. 208. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

SA 1639. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 13, after line 4, insert the following:

SEC. 5. CHILDREN AND FIREARMS SAFETY.

(a) SHORT TITLE.—This section may be cited as the ''Children's Firearm Access Prevention Act''.

(b) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting ''or removing'' after ''deactivating''.

(c) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) JUVENILE.—The term 'juvenile' means an individual who has not attained the age of 18 years.

''(B) CRIMINAL NEGLIGENCE.—The term 'criminal negligence' means conduct that involves a gross deviation from the standard of care that a reasonable person would exercise under the circumstances, but which is not reckless.

''(2) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for a firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premises that is under the custody or control of that person if that person knows or, acting with criminal negligence, should know that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile, and fails to take steps to prevent such access.

''(3) EXCEPTIONS.—Paragraph (2) does not apply if—

''(A) the person uses a secure gun storage or safety device for the firearm;

''(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

''(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of 1 or more other persons;

''(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept;

''(E) the juvenile obtains the firearm as a result of an unlawful entry by any person;

''(F) the juvenile was supervised by a person older than 18 years of age and was engaging in hunting, sporting, or another lawful purpose; or

''(G) the juvenile gained the gun during a time that the juvenile was engaged in an agricultural enterprise.''.

(d) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(8)(A) Whoever violates section 922(z) and as a result of such violation a juvenile (as defined in section 922(z)) obtains access to the firearm that is the subject of the violation and thereby causes death or serious bodily injury to the juvenile or to any other person, shall be fined not more than $4,000, imprisoned not more than 1 year, or both.

''(B) Whoever violates section 922(z) and as a result of such violation a juvenile (as defined in section 922(z)) obtains access to the firearm that is the subject of the violation shall be fined not more than $500.''.

(e) ROLE OF LICENSED FIREARMS DEALERS.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

''(d) CONTENTS OF FORM.—The Secretary shall ensure that a copy of section 922(z) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm.

''(e) NOTICE OF CHILDREN'S FIREARM ACCESS PREVENTION ACT.—A licensed dealer shall post a prominent notice in the place of business of the licensed dealer as follows:

''IT IS UNLAWFUL AND A VIOLATION OF THE CHILDREN'S FIREARM ACCESS PREVENTION ACT TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM.''.

(f) NO EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent juveniles from injuring themselves or others with firearms.

SA 1640. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, strike line 3 and all that follows through page 11, line 6, and insert the following:

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where

the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) any case in which a manufacturer or seller caused injury through willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights and safety of the individual harmed.

(B) NEGLIGENT ENTRUSTMENT.—As used in subparagraph (A)(ii), the term ''negligent entrustment'' means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) RULE OF CONSTRUCTION.—The exceptions enumerated under clauses (i) through (vi) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this Act shall be construed to create a public or private cause of action or remedy.

SA 1641. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

On page 10, line 16, at the end, add the following:

''; or (vi) an action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of Title 18''

SA 1642. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LIMITATION ON SUITS AGAINST A FIREARMS OR AMMUNITION MANUFACTURER, TRADE ASSOCIATION OR SELLER.

(a) DEFINITIONS.—As used in this Act, the following definitions apply:

(1) AMMUNITION.—The term ''ammunition'' has the meaning given that term by section 921(a)(17)(A) of title 18, United States Code.

(2) FIREARM.—The term ''firearm'' has the meaning given that term by subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code, including any antique firearm (as defined in section 921(a)(16) of such title).

(3) GOVERNMENTAL UNIT.—The term ''governmental unit'' means—

(A) a political subdivision of a State, including a municipality or county; and

(B) any other agency of government whose authority is derived from the laws or constitution of a State.

(4) MANUFACTURER.—The term ''manufacturer'' means a person who is engaged in the business of manufacturing a firearm or ammunition in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of title 18, United States Code.

(5) SELLER.—The term ''seller'' means, with respect to a firearm or ammunition—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition in interstate or foreign commerce at the wholesale or retail level.

(6) STATE.—The term ''State'' means each of the several States of the United States.

(7) TRADE ASSOCIATION.—The term ''trade association'' means any corporation, unincorporated association, federation, business league, professional or business organization—

(A) not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(C) 2 or more members of which are manufacturers or sellers of a firearm or ammunition.

(b) PROHIBITION.—Except as provided by subsection (c), a governmental unit may not bring suit against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.

(c) EXCEPTIONS.—

(1) STATE APPROVAL.—A governmental unit, on behalf of a State or any other governmental unit, may bring a suit described by subsection (b) if the suit is approved in advance by the legislature of the State in which the governmental unit is located by adoption of a concurrent resolution or by enactment of a statute. This subsection shall not be construed to create a cause of action.

(2) EXCLUDED TYPES OF ACTIONS.—Nothing in this Act shall prohibit a governmental unit from bringing an action against a firearms manufacturer, trade association, or seller for recovery of damages for—

(A) breach of contract or warranty as to firearms or ammunition purchased by a governmental unit;

(B) damage or harm to property owned or leased by the governmental unit caused by a defective firearm or ammunition; or

(C) injunctive relief to enforce a valid ordinance, statute, or rule.

(d) ACTIONS BY STATES.—Nothing in this Act shall prohibit the attorney general or other chief law enforcement officer of a State from bringing a suit described by subsection (b) on behalf of a State or a governmental unit. This subsection shall not be construed to create a cause of action.

SA 1643. Mr. FRIST (for Mr. DORGAN (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 792, to establish a National sex offender registration database, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dru Sjodin National Sex Offender Public Database Act of 2005'' or ''Dru's Law''.

SEC. 2. DEFINITION.

In this Act:

(1) CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR.—The term ''criminal offense against a victim who is a minor'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(2) MINIMALLY SUFFICIENT SEXUAL OFFENDER REGISTRATION PROGRAM.—The term ''minimally sufficient sexual offender registration program'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

(3) SEXUALLY VIOLENT OFFENSE.—The term ''sexually violent offense'' has the same meaning as in section 170101(a)(3) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(a)(3)).

(4) SEXUALLY VIOLENT PREDATOR.—The term ''sexually violent predator'' has the same meaning as in section 170102(a) of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14072(a)).

SEC. 3. AVAILABILITY OF THE NSOR DATABASE TO THE PUBLIC.

(a) IN GENERAL.—The Attorney General shall—

(1) make publicly available in a registry (in this Act referred to as the ''public registry'') from information contained in the National Sex Offender Registry or State sex offender web sites, via the Internet, all information described in subsection (b); and

(2) allow for users of the public registry to determine which registered sex offenders are currently residing within a radius, as specified by the user of the public registry, of the location indicated by the user of the public registry.

(b) INFORMATION AVAILABLE IN PUBLIC REGISTRY.—With respect to any person convicted of a criminal offense against a victim who is a minor or a sexually violent offense, or any sexually violent predator, required to register with a minimally sufficient sexual offender registration program within a State, including a program established under section 170101 of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071(b)), the public registry shall provide, to the extent available in the National Sex Offender Registry—

(1) the name and any known aliases of the person;

(2) the date of birth of the person;

(3) the current address of the person and any subsequent changes of that address;

(4) a physical description and current photograph of the person;

(5) the nature of and date of commission of the offense by the person;

(6) the date on which the person is released from prison, or placed on parole, supervised release, or probation; and

(7) any other information the Attorney General considers appropriate.

SEC. 4. RELEASE OF HIGH RISK INMATES.

(a) CIVIL COMMITMENT PROCEEDINGS.—

(1) IN GENERAL.—Any State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to the attorney general of that State of the impending release of any person incarcerated by the State who—

(A) is a sexually violent predator; or

(B) has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(2) REVIEW.—Upon receiving notice under paragraph (1), the State attorney general shall consider whether or not to institute a civil commitment proceeding, or any equivalent proceeding required under State law.

(b) MONITORING OF RELEASED PERSONS.—

(1) IN GENERAL.—Each State shall intensively monitor, for not less than 1 year, any person described under paragraph (2) who—

(A) has been unconditionally released from incarceration by the State; and

(B) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.

(2) APPLICABILITY.—Paragraph (1) shall apply to—

(A) any sexually violent predator; or

(B) any person who has been deemed by the State to be at high-risk for recommitting any sexually violent offense or criminal offense against a victim who is a minor.

(c) COMPLIANCE.—

(1) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement the requirements of this section.

(2) INELIGIBILITY FOR FUNDS.—A State that fails to implement the requirements of this section, shall not receive 25 percent of the funds that would otherwise be allocated to the State under section 20106(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706(b)).

(3) REALLOCATION OF FUNDS.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 28, 2005, at 9:30 a.m., in open session to consider the following nominations: Lieutenant General Norton A. Schwartz, USAF, for appointment to the grade of general and to be Commander, U.S. Transportation Command; Dr. Ronald M. Sega to be Under Secretary of the Air Force; Mr. Philip Jackson Bell to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness; Mr. John G. Grimes to be Assistant Secretary of Defense for Networks and Information Integration; Mr. Keith E. Eastin to be Assistant Secretary of the Army for Installations and Environment; Mr. William C. Anderson to be Assistant Secretary of the Air Force for Installations, Environment and Logistics.

The presiding officer. Without objection, it is so ordered.

COMMITTEE ON BANKING HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 28, 2005, at 10 a.m. to mark up S. 190 ''The Federal Housing Enterprise Regulatory Reform Act of 2005'', as amended by the Committee Print; S. 705 ''Meeting the Housing and Service Needs of Seniors Act of 2005;'' H.R. 804 ''To Exclude From Consideration as Income Certain Payments Under the National Flood Insurance Program;'' S. 1047 ''The Presidential $1.00 Coin Act of 2005,'' and pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 28, 2005, at 10 a.m., on pending committee business.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 28, 2005, at 2:30 p.m., on issues related to MGM v. Grokster and the appropriate balance between copyright protection and communications technology innovation, in SR–253.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 28, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

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

COMMITTEE ON THE JUDICIARY.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 28, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Bills: S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch; S. 103, Combat Meth Act of 2005, Talent, Feinstein, Kohl, Schumer, Feingold;, S. ____, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feingold; S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326, Notification of Risk to Personal Data Act, Feinstein, Kyl; S. 1326, Notification of Risk to Personal Data Act, Sessions; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer; S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn; S. 1197, Violence Against Women Act of 2005, Biden, Hatch, Specter, Leahy, DeWine, Kohl, Grassley, Kennedy, Schumer, Durbin, Feinstein

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veteran's Affairs be authorized to meet during the session of the Senate on Thursday, July 28, 2005, for a markup to consider the following:

Nomination of James Philip Terry to be Chairman of the Board of Veterans' Appeals, Department of Veterans' Affairs and Charles S. Ciccolella to be Assistant Secretary for Veterans' Employment and Training, Department of Labor.

Pending Legislation as follows:

A. Committee Print of S. 1182, the ''Veterans' Health Care Improvements Act of 2005'', incorporating provisions derived from S. 1182, as introduced; S. 1177; S. 1189; and S. 1190.

B. S. 716, the ''Vet Center Enhancement Act of 2005''.

C. S. 1234, the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2005''.

D. Committee Print of S. 1235, the ''Veterans' Benefits Improvement Act of 2005'', incorporating provisions derived from S. 1235, as introduced; S. 552; S. 917; S. 151; S. 1259; S. 1271; and S. 423.

The markup will take place in Room 418 of the Russell Senate Office Building at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, July 28 at 10 a.m.

The purpose of the hearings is to receive testimony on the following bills: S. 584 and H.R. 432, bills to require the secretary of the interior to allow the continued occupancy and use of certain land and improvements within rocky mountain National Parks; S. 652, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, PA, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; S. 958, a bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the states of Maryland and Virginia and the District of Columbia as a national historic trail; S. 1154, a bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; S. 1166, a bill to extend the authorization of the Kalaupapa National Historical Park Advisory Commission; and S. 1436, a bill to direct the Secretary of the Interior to conduct a study of maritime sites in the states of Michigan.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Pilkington of Senator HARKIN's staff be granted the privilege of the floor for the duration of today's session.

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

Mr. REID. Mr. President, I ask unanimous consent that Mike Stebbins of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that Sophie Thurber of my staff be granted the privilege of the floor for the duration of this debate.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that privilege of the floor be granted to two members of my staff, Mike Heidler and Matt Schuh, during debate on S. 397.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, calendar 170, 211, 221, 222, 226, 238, and 240, provided further that the following committees be discharged from further consideration of the list of nominations and the Senate proceed en bloc to their consideration. The HELP Committee: Henry Johnson, PN 572; Terrell Halaska, PN 685; Kevin Sullivan, PN 473; Bernice Phillips, PN 106; Thomas Fuentes, PN 105. Rules: Donetta Davidson, PN 749.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Rachel Brand, of Iowa, to be an Assistant Attorney General.

ENVIRONMENTAL PROTECTION AGENCY

Marcus C. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

David R. Hill, of Missouri, to be General Counsel of the Department of Energy.

Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

DEPARTMENT OF HOMELAND SECURITY

Richard L. Skinner, of Virginia, to be Inspector General, Department of Homeland Security.

DEPARTMENT OF THE TREASURY

Janice B. Gardner, of Virginia, to be Assistant Secretary for Intelligence and Analysis, Department of the Treasury.

John S. Redd, Georgia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

DEPARTMENT OF EDUCATION

Henry Louis Johnson, of Mississippi, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

Terrell Halaska, of the District of Columbia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Kevin F. Sullivan, of New York, to be Assistant Secretary for Communications and Outreach, Department of Education.

Bernice Phillips, of New York, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Thomas A. Fuentes, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

ELECTION ASSISTANCE COMMISSION

Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007.

CONFIRMATION OF DONETTA L. DAVIDSON

Mr. DODD. Mr. President, today the Senate is acting to fill a vacant seat on the Election Assistance Commission EAC with the confirmation of Ms. Donetta L. Davidson, of Colorado. Ms. Davidson was nominated by President Bush to serve the remainder of the 4-year term of DeForest B. Soaries, Jr, resigned. Her term will expire on December 12, 2007.

I want to thank the distinguished Chairman of the Rules Committee, Senator LOTT, for facilitating and expediting action on this nomination. By confirming Ms. Davidson at this time, the Senate is ensuring that the Commission will have a full complement of members as it faces action on some of the most important provisions of the Help American Vote Act this fall.

Nearly 3 years ago, President Bush signed into law the Help America Vote Act—HAVA. For the first time in our history, this landmark legislation recognizes the need for a Federal partnership in the conduct of Federal elections by the States. While this partnership respects the authority of State and local governments to administer Federal elections, it also provides Federal leadership and support through the establishment of minimum requirements that all States must meet in all Federal elections.

One of the primary goals of HAVA is to bolster public confidence in our system of Federal elections by addressing the problems and irregularities that arose in the November 2000 general election. And this is why, following that election, a bipartisan group of Senators and Members of Congress came together to enact the Help America Vote Act. Although the original bipartisan authors of HAVA initially viewed the outcome of the 2000 elections very differently, in the end, we all agreed that the Federal Government had an appropriate role to play to ensure that in our democracy, we made it easier to vote and harder to defraud the system.

HAVA established a number of requirements for election administration and voting technology in Federal elections, including requirements for voting systems, provisional ballots, and statewide voter registration lists. To date, Congress has appropriated over $3 billion in Federal funding for payments to the States for nationwide implementation of these requirements.

The Act also established a new Federal agency, the Election Assistance Commission—EAC. Among other things, the EAC serves as a clearinghouse to identify best practices for State and local election officials to use to conduct elections. The EAC is designed to bring together all stakeholders who play a role in elections—from voting machine manufacturers to voter registration organizations and other civil rights and disability rights groups to State and local election officials and administrators—to facilitate fair and transparent Federal elections throughout America.

Ms. Davidson joins the EAC at a crucial time. In less than 6 months, by January 1, 2006, all States are required to fully implement two of the most significant requirements in HAVA: the voluntary voting system standards and the statewide voter registration list. Taken as a whole, these two requirements promote accurate, accessible, nondiscriminatory, user-friendly and transparent elections. They serve as the mechanisms by which all eligible voters can cast their votes and have their votes counted.

Ms. Davidson's qualifications will serve her well at the EAC and reflect years of experience as both a State and local election official as well as an active participant on numerous national and State professional organizations. She currently serves as the Secretary of State for Colorado and previously served as the Arapahoe Country Clerk and Recorder in Littleton, CO and as the Director of Elections at the Colorado Department of State. In addition, she also currently serves as the vice chair of the National Association of Secretaries of State.

Her background will bring to the EAC the election administration and technology skills and experience that will help facilitate the nationwide implementation of HAVA, in particular the voluntary voting system guidelines expected to be approved by the EAC this fall. Her involvement with the existing voluntary voting system standards, first issued by the Federal Election Commission, dates to the mid–

1990s and her support for those standards contributed to their adoption in Colorado.

Most recently, Ms. Davidson served as one of the 15 experts on the Technical Guidelines Development Committee TGDC established under HAVA to develop an initial set of recommendations for the voluntary voting system guidelines with technical support and expertise from the National Institute of Standards and Technology NIST. At the end of the public comment and revision process, these recommendations are expected to form the bases of the new Federal voluntary voting system guidelines issued by the EAC.

Ms. Davidson's confirmation today ensures that the EAC has a full and permanent complement of commissioners as we move toward the full implementation of HAVA and the November 2006 Federal elections. The EAC will be well served by Ms. Davidson's expertise on election issues and her broad experience working with all stakeholders in Federal elections, including local election officials and their voters.

I congratulate Ms. Davidson on the honor of being nominated and confirmed to the Election Assistance Commission. It is an awesome responsibility and one that her background has prepared her well to meet.

To ensure that our Federal partnership gives voice to all Americans and their very diverse experiences on election day, the Commission's work must reflect more than just the perspectives of any single State or local election official. Commissioners must represent all 50 States, the District of Columbia, and the territories—all of America and its diversity. I am confident that Commissioner Davidson will meet that goal.

While political races among candidates may be partisan, Federal elections cannot be. The Help America Vote Act is appropriately the first civil rights act of the 21st Century, and Congress must fulfill its commitment to the American people to provide the States sufficient resources to fund the mandated reforms.

In order for the EAC to meet its obligations under HAVA, it is critically important that Congress fully fund the agency and its requirements for fiscal year 2006. To support States in the nationwide implementation of HAVA, the Act authorized nearly $4 billion to pay for the requirements and tasked the EAC with several responsibilities. To date, Congress has appropriated over $3 billion to the States and territories.

For fiscal year 2006, the EAC submitted an appropriations request at the funding level of $17,612,000, including four new staff positions to, among other duties, establish an Inspector General Office to monitor the Federal payments. The House-passed version of the Transportation, Treasury, HUD, Judiciary, District of Columbia appropriations bill provides only $15,877,000 for the EAC, and no funds for State requirements payments, with an earmark of $2.8 million for the National Institute of Standards and Technology. Complicating matters more, the Senate Appropriations Committee approved a slightly lower funding level for the EAC at $13,888,000, with $4 million earmarked for NIST. An average of both Senate-House bills will not produce enough funding for the EAC to maintain its current level of operations.

Without appropriate funding, the EAC will be unable to fulfill its obligations to the States and the voters for the Federal elections in 2006. To date, the EAC has been underfunded by over $822 million, including a funding gap of $600 million for requirements, $95 million for disability access grants and $127 million for other HAVA programs such as research and development for voting systems. When we return from the August recess, the Senate will complete its work on the Transportation, Treasury appropriations bill. It is my hope that we will be able to find the necessary resources to ensure the full implementation of HAVA without creating an unfunded mandate on the States.

In the meantime, I congratulate Commissioner Davidson on her appointment and look forward to working closely with her as she oversees the implementation of the most critical requirements of HAVA for the upcoming 2006 Federal elections and beyond in America.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

HONORING TEAM DISCOVERY, LANCE ARMSTRONG AND GEORGE HINCAPIE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 222 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 222) honoring the victories of Team Discovery and American cyclists Lance Armstrong and George Hincapie in the 2005 Tour de France.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 222

Whereas Team Discovery included Lance Armstrong of Texas and George Hincapie of South Carolina from the United States, José Luis Rubiera, Manuel Beltran, and Benjamin Noval from Spain, Pavel Padrnos from the Czech Republic, José Azevedo from Portugal, Paolo Savoldelli from Italy, and Yaroslav Popovych from Ukraine;

Whereas Team Discovery won the 2005 Tour de France under the leadership of Lance Armstrong, who rode to victory by completing the 2,232-mile, 21-stage course in 86 hours, 15 minutes, and 2 seconds, finishing 4 minutes and 40 seconds ahead of his nearest competitor;

Whereas, by winning the Tour de France on July 24, 2005, Lance Armstrong became the only competitor in the history of the Tour de France to win cycling's most prestigious race in 7 consecutive years;

Whereas George Hincapie rode stage 15, which was 127.4 miles long and included 1 above category climb, 4 category 1 climbs, and 1 category 2 climb, for a total of 33.5 miles of climbing at an average gradient of 7.96 percent;

Whereas stage 15 was considered the hardest stage of the 2005 Tour de France and the victory of George Hincapie atop Pla d'Adet marks his first Tour de France stage victory;

Whereas George Hincapie is only the 8th competitor from the United States to win a stage in the Tour de France;

Whereas George Hincapie has participated in the Tour de France 10 times and is the only teammate to assist Lance Armstrong in each of his Tour de France victories;

Whereas Lance Armstrong and George Hincapie displayed incredible perseverance, determination, and leadership over 7 years with their teammates in prevailing over the mountainous terrain of the Alps and Pyrenees and in overcoming crashes, illness, hard-charging rivals, and driving rain on the way to winning the premier cycling event in the world;

Whereas, in 1996, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and has remained cancer-free since treatment for the disease;

Whereas Lance Armstrong is the 1st cancer survivor to win the Tour de France;

Whereas the accomplishments of Team Discovery have made the team an inspiration to millions of people around the world: Now, therefore, be it

Resolved, That the Senate—

(1) honors—

(A) the victory of Team Discovery in the 2005 Tour de France;

(B) professional cyclist Lance Armstrong for his record 7th consecutive Tour de France victory; and

(C) professional cyclist George Hincapie for his 1st Tour de France stage victory; and

(2) commends Lance Armstrong and George Hincapie for being pioneers of the sport of cycling in the United States.

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 223, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 223) supporting the goals and ideals of ''National Life Insurance Awareness Month,'' September 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in ¾ of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;

Whereas individuals, families, and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2005 as ''National Life Insurance Awareness Month'', the goal of which is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

COMMEMORATING NATIONAL CITIZENS' CRIME PREVENTION CAMPAIGN

Mr. FRIST. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 208.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 208) commemorating the 25th anniversary of National Citizens' Crime Prevention Campaign.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table

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

The resolution (S. Res. 208) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 208

Whereas crime prevention improves the quality of life in every community;

Whereas crime prevention is central to maintaining a sound criminal justice system at the national, State, and local level and to ensuring safer and more secure communities;

Whereas 2005 marks the 25th anniversary of the National Citizens' Crime Prevention Campaign, featuring McGruff the Crime Dog, conducted by the National Crime Prevention Council;

Whereas McGruff the Crime Dog is an icon, recognized as the Nation's symbol for crime prevention;

Whereas the National Citizens' Crime Prevention Campaign has inspired and directed millions of citizens to take action, individually and collectively, to reduce crime, drug abuse, and the fear of crime;

Whereas the National Citizens' Crime Prevention Campaign has led a multitude of community organizations, including law enforcement, other State and local agencies, civic and community groups, faith-based organizations, schools, and businesses, to play a vital role in reducing crime and building safer communities; and

Whereas the National Citizens' Crime Prevention Campaign is a leading example of a campaign conducted by public and private individuals and entities on a national, State, and local level to improve the quality of life throughout the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 25th anniversary of the National Citizens' Crime Prevention Campaign, and commends all individuals and organizations involved in the campaign for advancing the principles and practice of effective crime prevention;

(2) asks the people of the United States to join in the celebration of the 25th anniversary of the National Citizens' Crime Prevention Campaign, and of the campaign's icon (McGruff the Crime Dog), and of the campaign's managing organization (National Crime Prevention Council); and

(3) encourages the National Crime Prevention Council and the Crime Prevention Coalition of America to continue to promote, through the National Citizens' Crime Prevention Campaign, individual and collective action, in collaboration with law enforcement and other supporting agencies, to reduce crime and build safer communities throughout the United States.

EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE WOMEN SUFFRAGISTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 59, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 59) expressing the sense of Congress with respect to the women suffragists who fought for and won the right of women to vote in the United States.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The joint resolution (H.J. Res. 59) was read the third time and passed.

The preamble was agreed to.

EXPRESSING THE SENSE OF CONGRESS ON THE PURPLE HEART

Mr. FRIST. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 39 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) to express the sense of Congress on the Purple Heart.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 39

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately

550,000 of whom are still living: Now, therefore, be it

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

(1) supports the goals and ideals of National Purple Heart Recognition Day;

(2) encourages all people of the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 160, S. 1375.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1375) to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1375) was read the third time and passed, as follows:

S. 1375

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 ''Indian Arts and Crafts Amendments Act of 2005''.

SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305d) is amended to read as follows:

''SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

''(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes—

''(1) a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code); and

''(2) with respect to a violation of this Act that occurs outside Indian country (as defined in section 1151 of title 18, United States Code), an officer that has authority under section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802), acting in coordination with a Federal law enforcement agency that has jurisdiction over the violation.

''(b) CRIMINAL PROCEEDINGS.—

''(1) REFERRAL.—On receiving a complaint of a violation of section 1159 of title 18, United States Code, the Board may refer the complaint to any Federal law enforcement officer for appropriate investigation.

''(2) FINDINGS.—The findings of an investigation under paragraph (1) shall be submitted to—

''(A) the Attorney General; and

''(B) the Board.

''(3) RECOMMENDATIONS.—On receiving the findings of an investigation in accordance with paragraph (2), the Board may—

''(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of that title; and

''(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines appropriate.

''(c) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (a), the Board may recommend that the Attorney General initiate a civil action pursuant to section 6.''.

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled ''An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes'' (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDIAN.—The term 'Indian' means an individual that—

''(A) is a member of an Indian tribe; or

''(B) is certified as an Indian artisan by an Indian tribe.

''(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

''(3) INDIAN TRIBE.—

''(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) INCLUSION.—The term 'Indian tribe' includes an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.'';

(4) in subsection (b) (as redesignated by paragraph (2)), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(B) by striking ''suit'' and inserting ''the civil action'';

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

''(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

''(A) the Attorney General, at the request of the Secretary acting on behalf of—

''(i) an Indian tribe;

''(ii) an Indian; or

''(iii) an Indian arts and crafts organization;

''(B) an Indian tribe, acting on behalf of—

''(i) the tribe;

''(ii) a member of that tribe; or

''(iii) an Indian arts and crafts organization;

''(C) an Indian; or

''(D) an Indian arts and crafts organization.

''(2) DISPOSITION OF AMOUNTS RECOVERED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

''(B) EXCEPTIONS.—

''(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

''(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

''(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

''(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

''(I) the amount of the cost of the civil action; and

''(II) reasonable attorney's fees.''; and

(7) in subsection (e), by striking ''(e) In the event that'' and inserting the following:

''(e) SAVINGS PROVISION.—If''.

(c) CONFORMING AMENDMENT.—Section 1159(c) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) the term 'Indian tribe'—

''(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

''(B) includes an Indian group that has been formally recognized as an Indian tribe by—

''(i) a State legislature;

''(ii) a State commission; or

''(iii) another similar organization vested with State legislative tribal recognition authority; and''.

PSORIASIS AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 206 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 206) designating August 2005 as ''Psoriasis Awareness Month''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 206) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 206

Whereas psoriasis and psoriatic arthritis are chronic, immune-mediated diseases for which there is no cure;

Whereas more than 5,000,000 men, women, and children in the United States have been diagnosed with either psoriasis or psoriatic arthritis;

Whereas psoriasis and psoriatic arthritis are painful and disabling diseases that have a significant and adverse impact on the quality of life of an individual diagnosed with either of these diseases;

Whereas the National Institute of Mental Health funded a study that found that psoriasis may cause as much physical and mental disability as other major diseases, including cancer, arthritis, hypertension, heart disease, diabetes, and depression;

Whereas psoriasis is associated with elevated rates of depression and suicidal ideation;

Whereas each year the people of the United States spend more than $4,000,000,000 to treat psoriasis;

Whereas early diagnosis and treatment of psoriatic arthritis may help prevent irreversible joint damage; and

Whereas treating psoriasis and psoriatic arthritis presents a challenge for patients and physicians because no 1 treatment works for everyone, some treatments lose effectiveness over time, many treatments are used in combination with other treatments, and all treatments may cause a unique set of side effects: Now, therefore, be it

Resolved, That the Senate designates August 2005 as ''Psoriasis Awareness Month''.

UNANIMOUS CONSENT AGREEMENT—H.R. 2361

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 2361, the Interior appropriations bill. I further ask unanimous consent that there then be 20 minutes of debate equally divided between the majority and the minority, followed by a vote adoption of the conference report, with no intervening action or debate.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2985

Mr. FRIST. I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 2985, the Legislative Branch appropriations bill. I further ask unanimous consent that there then be 20 minutes of debate equally divided between the majority and the minority, followed by a vote adoption of the conference report, with no intervening action or debate.

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

ORDERS FOR FRIDAY, JULY 29, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Friday, July 29; 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 proceed to the consideration of the conference report to accompany H.R. 2361, the Interior appropriations bill, as under the previous order. I further ask that following the use or yielding back of the time on the Interior conference report, it be temporarily set aside and the Senate proceed to the conference report to accompany H.R. 2985, the Legislative Branch appropriations bill, as under the previous order.

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

Mr. FRIST. I further ask unanimous consent that the Senate then resume consideration of the Energy conference report and there be 30 minutes equally divided for closing remarks between the chairman and ranking member or their designees with all of the provisions of the previous consent remaining.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will complete consideration of the conference reports to accompany the Interior appropriations bill, the Legislative Branch appropriations bill, the Energy bill, and the highway bill. The Senate will also complete action on the gun liability bill with an agreement that was reached this evening. As my colleagues can see, we will have a very busy day tomorrow with rollcall votes throughout. We should be able to complete our business tomorrow. I expect that we will. Again, it will be a very busy day. Senators should remain close to the Chamber throughout the day so that we can proceed in an orderly way for what could be up to 13 votes during tomorrow's session.

A PRODUCTIVE SEVERAL MONTHS

Mr. FRIST. Mr. President, we will be closing tomorrow afternoon, hopefully not too late in the afternoon. This has been a very productive several months. If you look back and reflect upon the issues that have been discussed and the bills that have been passed, there have been many. We are governing in a way that meets the expectations of the American people, governing with meaningful solutions to their everyday problems. We passed a budget which was the fifth fastest in history. We passed a bankruptcy bill, a class action reform bill to rid frivilous lawsuits. We had six circuit court nominations, judges that had been either filibustered or threatened to be filibustered in the past. Now we will continue all of that work tomorrow with an Energy bill, a highway bill, a gun liability bill, a legislative conference report, and the Interior conference report. So it has been a very productive Congress and one that we will continue to work very aggressively on as we come back after the recess.

CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 225, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 225) was agreed to, as follows:

H. CON. RES. 225

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday, July 28, 2005, Friday, July 29, 2005, or Saturday, July 30, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 29, 2005, through Friday, August 5, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 6, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:57 p.m., adjourned until Friday, July 29, 2005, at 9 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

KEVIN F. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION.

HENRY LOUIS JOHNSON, OF MISSISSIPPI, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

TERRELL HALASKA, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

The Senate Committee on Rules and Administration was discharged from further consideration of the following nomination and the nomination was confirmed:

IDNETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007.

NOMINATIONS

Executive nominations received by the Senate July 28, 2005:

DEPARTMENT OF DEFENSE

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE RONALD M. SEGA.

DEPARTMENT OF THE TREASURY

EMIL W. HENRY, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE WAYNE ABERNATHY.

FEDERAL TRADE COMMISSION

WILLIAM E. KOVACIC, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2004, VICE ORSON SWINDLE, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

KATHRYN HIGGINS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2009, VICE CAROL JONES CARMODY, RESIGNED.

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2010. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

GEORGE M. GRAY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE J. PAUL GILMAN, RESIGNED.

DEPARTMENT OF STATE

BARRY F. LOWENKRON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE LORNE W. CRANER, RESIGNED.

WILLIAM PAUL MCCORMICK, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

ROLAND ARNALL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2009, VICE PAUL STEVEN MILLER, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F. X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BARRY D. CRANE.

THE JUDICIARY

TIMOTHY MARK BURGESS, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE JAMES K. SINGLETON, JR., RETIRED.

JOSEPH FRANK BIANCO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE DENIS R. HURLEY, RETIRED.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE R. ALLAN EDGAR, RETIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED TO THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be colonel

THOMAS L. LUTZ, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED TO THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

BRUCE A. ELLIS, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be lieutenant colonel

ANSELMO FELICIANO, 0000
DENNIS J. MALFER, JR., 0000
VIRGINIA W. SPISAK, 0000
DAKE S. VAHOVICH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

JOLENE A. * AINSWORTH, 0000
THOMAS M. * ALSPAUGH, 0000
JOYCE E. ANNELER, 0000
JANE E. * ARGENTO, 0000
KARLA M. * ATCHLEY, 0000
JUDITH K. * BAILLIE, 0000
RAYMOND E. * BAKER, 0000
BRIAN B. * BARNETT, 0000
ERIC B. * BARNETT, 0000
BETH M. * BAYKAN, 0000
MARED G. * BELING, 0000
MELINDA MARIE * BELLOMYMUTH, 0000
DONNA R. * BELOIN, 0000
TINA A. * BETANCOURT, 0000
DAWN M. * BLACK, 0000
MARTHA J. * BOURNE, 0000
SADINA L. * BRECHEISENBEACH, 0000
PAMELA L. * BREWER, 0000
NERRIZA L. * BROOKS, 0000
CASSANDRA E. * CAMPBELL, 0000
HEATHER R. * CAMPBELL, 0000
JAMES E. * CAMPION, 0000
DAISY E. * CASTRICONE, 0000
KEVIN P. * CAVANAUGH, 0000
LAWANDA M. * CLARK, 0000
ERICA C. * CLARKE, 0000
RANDY O. * CLAXTON, 0000
MARGARET E. * CLEVENGER, 0000
STACEY L. * COLEMAN, 0000
TARA N. * CONSTANTINE, 0000
CHARLES P. * COOLEY, 0000
MARK W. * CORNELL, 0000
CHARLES L. * COX, JR., 0000
MARK A. * DAMMEN, 0000
GINETTE * DAMUSJORDAN, 0000
LINDA S. * DENNY, 0000
SUSAN M. * DICKERSON, 0000
SUZIE C. * DIETZ, 0000
BETH R. * DION, 0000
DANIEL E. * DONAHUE, 0000
ROBIN C. * DOSWELL, 0000
PAUL * DREATER, JR., 0000
DIANA Y. * DUNCAN, 0000
VIRGINIA * DUNN, 0000
CHERYL A. * ELLIOTT, 0000
ROSS M. * EVANS, 0000
VICKI M. * FAIR, 0000
LORINDA L. * FARRIS, 0000
THOMAS G. * FEVURLY, 0000
CHARLES M. * FLOWE, 0000
KAWANIEE R. * FLOWE, 0000
MARY T. * FLOYD, 0000
ALISON T. * FORSYTHE, 0000
SHERRY L. * FRANK, 0000
JANE M. * FREE, 0000
DEBRA L. * FREIMARCK, 0000
ALANE C. * GARLLSI, 0000
MURIEL A. * GATLIN, 0000
VIRGINIA A. * GAVIN, 0000
MARY K. * GEYER, 0000
MATTIE D. * GOODE, 0000
DAWN M. * GRAHAM, 0000
LARHONDA M. * GRAY, 0000
STACY GILMORE * GREENE, 0000
CHERYL L. * GROTSKY, 0000
MARIANNE R. * HAFLER, 0000
LINDA A. * HAGEMANN, 0000
BARBARA A. * HASSAN, 0000
JEANINE D. * HATFIELD, 0000
ROBERT W. * HAYES, 0000
TAMMY G. * HAYES, 0000
MICHELLE A. * HEDRICK, 0000
KRISTINA R. * HERTZLER, 0000
JOHN R. * HIMBERGER, 0000
DAWN K. * HINCKLEY, 0000
FRANCES L. * HODGES, 0000
LEAH NICOLE * HOLLAND, 0000
KATHLEEN M. * HOLLEY, 0000
ANITA A. * HOYUELA, 0000
JACQUELYN J. * HUDSON, 0000
LELA A. * HUDSON, 0000
SHERRY L. * HULSE, 0000
NANCY J. * JOHNSON, 0000
LAURA K. * JONES, 0000
RONALD L. * JONES, JR., 0000
JULIE A. * JUMP, 0000
KRISTIN L. * KALINA, 0000
LESLIE I. * KARAS, 0000
STEVEN M. * KEENE, 0000
JACQUELINE M. * KILLIAN, 0000
DIANE R. * KLINGENBERG, 0000
MARK A. * KNITZ, 0000
LAURA L. * KOONTZ, 0000
LEANN M. * LAMB, 0000
KAREN V. * LARRY, 0000
MARGARET A. * LAUREANOMILLER, 0000
RONALD E. * LECZNER, 0000
JOHN W. * LEDWITCH III, 0000
CHUNG MIN * LEE, 0000
SUSAN J. * LEE, 0000
PAUL L. * LINK, 0000
JOANN A. * LLANEZA, 0000
MICHAEL A. * LOPEZ, 0000
BACH HOA T. MAL, 0000
EDWIN A. * MALDONADO, 0000
NAQUITA J. * MANNING, 0000
JOHN L. * MANSUY, 0000
LILI M. * MARTINEZ, 0000
THOMAS * MCALARNEY, 0000
JACQUELINE J. * MCAULEY, 0000
MICHAEL P. * MCGANN, 0000
KEVIN R. * MCHAFFEY, 0000
CHRISTINE L. * MEVES, 0000
LORI J. * MILLER, 0000
PAUL T. * MILLER, JR., 0000
GRETCHEN H. * MORELAND, 0000
DENNIS * MULLINS, 0000
THERESA A. * MURPHY, 0000
VIRGINIA R. * MUSHENSKI, 0000
DENISE M. * MYERS, 0000
NELVA J. * NIELSEN, 0000
MARTIN * OCKERT, 0000
JAMES G. * OLANDA, 0000
JEFFREY J. * OLIVER, 0000
LAURA J. * PALM, 0000
VINCE E. * PARIS, 0000
DEXTER A. * PATTON, 0000
KARIN E. * PETERSEN, 0000
MIKEL W. * PHILLIPS, 0000
DONALD R. * POTTER, 0000
ANDREA M. * RAMEY, 0000
LORRI M. * REED, 0000
ANDREW L. * REIMUND, 0000
MARK J. * REITTER, 0000
SCOTT C. * RHODES, 0000
HEATHER A. * RISDAL, 0000
VICTOR R. * RIVERA, 0000
KIM G. * ROBINSON, 0000
KENT A. * ROMAN, 0000
PAMELA J. * ROSSIO, 0000
KIMBERLEE M. * RUSSELL, 0000
JEANNIE Y. * SABATINE, 0000
SUSAN M. * SARGENT, 0000
KATHY S. * SAVELL, 0000
KIMBERLY A. * SCHMIDT, 0000
ANTOINETTE N. * SHEPPARD, 0000
SANDRA S. * SHORES, 0000
VICKIE L. * SKUPSKI, 0000
MELISSA C. * SMITH, 0000
SHERRY L. * SMITH, 0000
JANICE L. * SOWERS, 0000
PENNY E. * SPAID, 0000
LISA K. * STOLZER, 0000
KARL M. * STONE, 0000
SEAN A. * STRAIT, 0000
CHRISTOPHER M. * SWEENEY, 0000
LEA M. * THIES, 0000
JENNIFER E. * THOMAS, 0000
SCOTT R. * TONKO, 0000
VALERIE A. * TRUMP, 0000
ANITA S. * UPP, 0000
EDWIN * VALENTIN, 0000
JOHN D. * VANDEVELDE, 0000
KATHI S. * VAVRA, 0000
JERRY * VEGA, 0000
TAMRA C. * WEATHERBEE, 0000
BRUCE W. * WEISS, 0000
GINGER S. * WEISS, 0000
JACQUELINE F. * WHITE, 0000
CINDI L. * WILLIS, 0000
WILLIAM T. * WILSON, 0000
SHARON L. WINDERLICH, 0000
JAMES R. * WITTENAUER III, 0000
LOUISE H. * WOLFE, 0000
SHANNON G. * WOMBLE, 0000
SHANNEN M. * WRIGHT, 0000
DAVID C. * ZIMMERMAN, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 28, 2005:

ENVIRONMENTAL PROTECTION AGENCY

MARCUS C. PEACOCK, OF MINNESOTA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF ENERGY

DAVID R. HILL, OF MISSOURI, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

JILL L. SIGAL, OF WYOMING, TO BE ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

DEPARTMENT OF HOMELAND SECURITY

RICHARD L. SKINNER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF THE TREASURY

JANICE B. GARDNER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN S. REDD, OF GEORGIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF EDUCATION

KEVIN F. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION.

HENRY LOUIS JOHNSON, OF MISSISSIPPI, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

TERRELL HALASKA, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

ELECTION ASSISTANCE COMMISSION

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007.

LEGAL SERVICES CORPORATION

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005.

DEPARTMENT OF JUSTICE

RACHEL BRAND, OF IOWA, TO BE AN ASSISTANT ATTORNEY GENERAL.