

of the Senate to ensuring the continued effectiveness of the Act in protecting the voting rights of all citizens of the United States.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 2433

At the request of Mr. CHAMBLISS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 2433 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2433 proposed to S. 1042, *supra*.

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of amendment No. 2433 proposed to S. 1042, *supra*.

AMENDMENT NO. 2437

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2437 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 2437 intended to be proposed to S. 1042, *supra*.

AMENDMENT NO. 2440

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Colorado (Mr. ALLARD), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. ISAKSON), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 2440 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2440 proposed to S. 1042, *supra*.

AMENDMENT NO. 2443

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr.

ALLEN) was added as a cosponsor of amendment No. 2443 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2445

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 2445 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2448

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. DORGAN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2448 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 1979. A bill to provide for the establishment of a strategic refinery reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KOHL. Madam President, I rise today to speak briefly about an amendment Senator JEFFORDS and I had hoped to offer to the Defense authorization bill. I understand it is not considered relevant, so we won't get a vote. That is unfortunate. I cannot imagine what is more relevant to the defense of our Nation than an amendment that would do something concrete about high energy prices, about national security, and about economic security—all with one vote.

Our amendment, which we are introducing today as a freestanding bill along with Senator FEINSTEIN, would authorize the Department of Energy to build enough refining capacity to meet the energy needs of the Federal Government—primarily the Department of Defense—and also to supply the private market in times of shortages and price spikes.

There is bipartisan agreement that increasing refining capacity in the

United States would help avoid the kinds of energy price spikes we have seen in the last few months. There also seems to be clear evidence that, despite generous incentives from the Government and soaring profits, the oil companies are not interested in building the new refineries we need. And in a free market, of course, that is their choice.

But in a democracy, we in Congress are charged with making a different choice. We need to do what is best for our national and economic security. And, in this case, that would be to stop begging and bribing the oil companies. By building our own refining capacity, we would be able to supply the fuel needs of the Federal Government at what it actually costs to make that fuel. And we would also be able to hold in reserve refining capacity that we could access to bring down the cost of gas in times when shortages raise prices.

Today, the Senate is holding important hearings on energy. I am concerned, however, that instead of offering answers and solutions, the oil companies will blame OPEC for the high price of gasoline, diesel fuel, and home heating oil. We should not let them get away with that because OPEC is only part of the story.

While the price of gasoline rose to record levels in recent months, the oil companies were earning increasingly high profits on each gallon of gasoline. One measure is the "domestic spread," the retail gasoline pump price minus the cost of crude oil and taxes. During the 1990s, the domestic spread was about 40 cents per gallon for regular gas. This number has grown sharply since 2000. The domestic spread averaged above 50 cents per gallon between 2000 and 2004, and has reached as high as over 70 cents per gallon in recent months. In other words, the oil companies are earning much more today for a gallon of gas, even factoring in the higher price of crude oil.

Growing oil company profits also demonstrate this point: Oil industry profits, after tax, increased by \$100 billion in the 5 years from 2000 to 2004, as compared to the previous 5-year period. ExxonMobil's earnings for the first 9 months of 2005—over \$25 billion—already exceeded its full-year earnings for all of 2004. So obviously, these companies are doing much more than just passing along higher crude oil prices to customers.

One major reason for these soaring prices and profits is the oil industry's failure to increase refining capacity in the face of rising demand for refined petroleum products. A new refinery has not been built in the United States since the 1970s, and many oil refineries have been closed. In 1985, refining capacity equaled daily consumption of petroleum products. By 2002, daily consumption exceeded refining capacity by almost 20 percent.

As domestic supply falls short of domestic demand, three very dangerous

things happen: 1, we are forced to rely on more imports. 2, we pay higher and higher prices for our fuel. And, 3, our economy is increasingly vulnerable to disasters and disruptions—like those we saw in the wake of Hurricanes Katrina and Rita.

The bill we are introducing would authorize the Department of Energy to create a refining capacity equal to 5 percent of current domestic consumption. These refineries would supply the Federal Government's need for petroleum products, estimated to be roughly 2 percent of U.S. consumption. The extra 3 percent of capacity would be available for emergencies and market disruptions.

This "Strategic Refining Reserve" would have a direct effect on energy prices to the consumer. It would get the Federal Government out of the private market where its huge demand for energy drives up prices. And it would increase the amount of oil that can be refined in this country in times when the oil companies' refining capacity is tapped out.

We have a duty to protect consumers, our economy, and our national security from an industry that often seems focused only on the short-term bottom line. We have a duty to respond with concrete help for the families and businesses that tell us daily of the enormous financial threat posed by soaring energy prices. And we have a duty to make sure our military has access to a steady, affordable supply of domestically refined fuel.

Though we will not be able to offer this proposal as an amendment to the DOD authorization bill, we have introduced it as a bill, and we plan to continue to look for opportunities for a vote. We need to take sole control of fuel prices away from the oil companies. We need to take charge and bring the price of fuel down by building this "Strategic Refinery Reserve."

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

There being objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1979

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

SECTION 1. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Energy shall establish and operate a Strategic Refinery Reserve (referred to in this section as the "Reserve") in the United States.

(2) AUTHORITIES.—To carry out this subsection, the Secretary of Energy may contract for—

(A) the construction or operation of new refineries; or

(B) the acquisition or reopening of closed refineries.

(b) OPERATION.—The Secretary of Energy shall operate the Reserve—

(1) to provide petroleum products to—

(A) the Federal Government (including the Department of Defense); and

(B) any State governments and political subdivisions of States that opt to purchase

refined petroleum products from the Reserve; and

(2) to provide petroleum products to the general public during any period described in subsection (c).

(c) EMERGENCY PERIODS.—The Secretary of Energy shall make petroleum products from the Reserve available under subsection (b)(2) only if the President determines that—

(1) there is a severe energy supply interruption within the meaning of the term under section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202); or

(2)(A) there is a regional petroleum product supply shortage of significant scope and duration; and

(B) action taken under subsection (b)(2) would directly and significantly assist in reducing the adverse impact of the shortage.

(d) LOCATIONS.—In determining the location of a refinery for inclusion in the Reserve, the Secretary of Energy shall take into account—

(1) the impact of the refinery on the local community, as determined after requesting and reviewing any comments from State and local governments and the public;

(2) regional vulnerability to—

(A) natural disasters; and

(B) terrorist attacks;

(3) the proximity of the refinery to the Strategic Petroleum Reserve;

(4) the accessibility of the refinery to energy infrastructure and Federal facilities (including facilities under the jurisdiction of the Department of Defense);

(5) the need to minimize adverse public health and environmental impacts; and

(6) the energy needs of the Federal Government (including the Department of Defense).

(e) INCREASED CAPACITY.—The Secretary of Energy shall ensure that refineries in the Reserve are designed to provide a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a plan for the establishment and operation of the Reserve under this section.

(2) REQUIREMENTS.—The plan required under paragraph (1) shall—

(A)(i)(I) provide for, within 2 years after the date of enactment of this Act, a capacity within the Reserve equal to 5 percent of the total United States daily demand for gasoline, diesel, and aviation fuel; and

(II) provide for a capacity within the Reserve such that not less than 75 percent of the gasoline and diesel fuel produced by the Reserve contain an average of 10 percent renewable fuel (as that term is defined in 211(o)(1)(C) of the Clean Air Act (42 U.S.C. 7545(o)(1)(C)); or

(ii) if the Secretary of Energy finds that achieving the capacity described in either subclause (I) or (II) of clause (i) is not feasible within 2 years, include—

(I) an explanation from the Secretary of Energy of the reasons why achieving the capacity within the timeframe is not feasible; and

(II) provisions for achieving the required capacity as soon as practicable; and

(B) provide for adequate delivery systems capable of providing Reserve product to the entities described in subsection (b)(1).

(g) COORDINATION.—The Secretary of Energy shall carry out this section in coordination with the Secretary of Defense.

(h) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section affects any requirement to comply with Federal or State environmental or other laws.

SEC. 2. REPORTS ON REFINERY CLOSURES.

(a) REPORTS TO SECRETARY OF ENERGY.—

(1) IN GENERAL.—Not later than 180 days before permanently closing a refinery in the United States, the owner or operator of the refinery shall provide to the Secretary of Energy notice of the closing.

(2) REQUIREMENTS.—The notice required under paragraph (1) with respect to a refinery to be closed shall include an explanation of the reasons for the closing of the refinery.

(b) REPORTS TO CONGRESS.—The Secretary of Energy shall, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Federal Trade Commission and as soon as practicable after receipt of a report under subsection (a), submit to Congress—

(1) the report; and

(2) an analysis of the effects of the proposed closing covered by the report on—

(A) in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.), supplies of clean fuel;

(B) petroleum product prices;

(C) competition in the refining industry;

(D) the national economy;

(E) regional economies;

(F) regional supplies of refined petroleum products;

(G) the supply of fuel to the Department of Defense; and

(H) energy security.

By Ms. MURKOWSKI:

S. 1980. A bill to provide habitable living quarters for teachers, administrators, and other school staff, and their households, in rural areas of Alaska located in or near Alaska Native villages; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska.

In rural areas of Alaska, school districts face the challenge of recruiting and retaining teachers, administrators and other school staff due to the lack of housing. In one particular year in the Lower Kuskokwim School District in western Alaska, they hired one teacher for every six who decided not to accept job offers. Half of the applicants who did not accept a teaching position in that district indicated that their decision was related to the lack of housing.

In 2003, I traveled through rural Alaska with then-Education Secretary Rod Paige. I wanted him to see the challenges of educating children in such a remote and rural environment. At the village school in Savoonga, the principal slept in a broom closet in the school due to the lack of housing in that village. The special education teacher slept in her classroom, bringing a mattress out each evening to sleep on the floor. The other teachers shared housing in a single home. Needless to say, there is not enough room for the teachers' spouses. Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska.

Rural Alaskan school districts experience a high rate of teacher turnover due to the lack of housing. Turnover is as high as 30 percent each year in some rural areas with housing issues being a major factor. How can we expect our

children to receive a quality education when the good teachers don't stay? How can we meet the mandates of No Child Left Behind in such an educational environment? Clearly, the lack of teacher housing in rural Alaska is an issue that must be addressed in order to ensure that children in rural Alaska receive the same level of education as their peers in more urban settings.

My bill authorizes the Department of Housing and Urban Development to provide teacher housing funds to the Alaska Housing Finance Corporation, which is a State agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teacher housing projects.

This legislation will allow school districts in rural Alaska to address the housing shortage in the following ways: construct housing units; purchase housing units; lease housing units; rehabilitate housing units; purchase or lease property on which housing units will be constructed, purchased or rehabilitated; repay loans secured for teacher housing projects; and conduct any other activities normally related to the construction, purchase, or rehabilitation of teacher housing projects.

Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staff, and members of their households.

It is imperative that we address this important issue and allow the disbursement of funds to be handled at the State level. The quality of education of our rural students is at stake.

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. 1980

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 "Rural Teacher Housing Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) housing for teachers, administrators, other school staff, and the households of such staff in remote and rural areas of the State of Alaska is often substandard, if available at all;

(2) teachers, administrators, other school staff, and the households of such staff are often forced to find alternate shelter, sometimes even in school buildings; and

(3) rural school districts in the State of Alaska face increased challenges, including meeting the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), in recruiting employees due to the lack of affordable, quality housing.

(b) PURPOSE.—The purpose of this Act is to provide habitable living quarters for teachers, administrators, other school staff, and the households of such staff in rural areas of the State of Alaska located in or near Alaska Native villages.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALASKA HOUSING FINANCE CORPORATION.—The term "Alaska Housing Finance Corporation" means the State housing authority for the State of Alaska created under the laws of the State of Alaska (or a successor authority).

(2) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE SCHOOL DISTRICT.—The term "eligible school district" means a public school district (as defined under the laws of the State of Alaska) located in the State of Alaska that operates 1 or more schools in a qualified community.

(4) NATIVE VILLAGE.—

(A) IN GENERAL.—The term "Native village" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(B) INCLUSION.—The term "Native village" includes the Metlakatla Indian Community of the Annette Islands Reserve.

(5) OTHER SCHOOL STAFF.—The term "other school staff" means—

(A) pupil services personnel;

(B) librarians;

(C) career guidance and counseling personnel;

(D) education aides; and

(E) other instructional and administrative school personnel.

(6) QUALIFIED COMMUNITY.—The term "qualified community" means a home rule city or a general law city incorporated under the laws of the State of Alaska, or an unincorporated community (as defined under the laws of the State of Alaska) in the State of Alaska located outside the boundaries of such a city, that, as determined by the Alaska Housing Finance Corporation—

(A) has a population of not greater than 6,500 individuals;

(B) is located in or near a Native village; and

(C) is not connected by road or railroad to the municipality of Anchorage, Alaska, excluding any connection—

(i) by the Alaska Marine Highway System created under the laws of the State of Alaska; or

(ii) that requires travel by road through Canada.

(7) SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(9) TEACHER.—The term "teacher" means an individual who—

(A) is employed as a teacher in a public elementary school or secondary school; and

(B) meets the teaching certification or licensure requirements of the State of Alaska.

(10) TRIBALLY DESIGNATED HOUSING ENTITY.—The term "tribally designated housing entity" has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(11) VILLAGE CORPORATION.—

(A) IN GENERAL.—The term "Village Corporation" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(B) INCLUSIONS.—The term "Village Corporation" includes, as defined in section 3 of that Act (43 U.S.C. 1602)—

(i) Urban Corporations; and

(ii) Group Corporations.

SEC. 4. RURAL TEACHER HOUSING PROGRAM.

(a) IN GENERAL.—The Secretary shall provide funds to the Alaska Housing Finance Corporation in accordance with regulations promulgated under section 5 for use in accordance with subsection (b).

(b) USE OF FUNDS.—

(1) IN GENERAL.—The Alaska Housing Finance Corporation shall use funds provided under subsection (a) to provide grants and loans to eligible school districts for use in accordance with paragraph (2).

(2) USE OF FUNDS BY ELIGIBLE SCHOOL DISTRICTS.—An eligible school district shall use a grant or loan under paragraph (1) for—

(A) the construction of new housing units in a qualified community;

(B) the purchase and rehabilitation of existing structures to be used as housing units in a qualified community;

(C) the rehabilitation of housing units in a qualified community;

(D) the leasing of housing units in a qualified community;

(E) purchasing or leasing real property on which housing units will be constructed, purchased, or rehabilitated in a qualified community;

(F) the repayment of a loan to—

(i) construct, purchase, or rehabilitate housing units;

(ii) purchase real property on which housing units will be constructed, purchased, or rehabilitated in a qualified community; or

(iii) carry out an activity described in subparagraph (G); and

(G) any other activity normally associated with the construction, purchase, or rehabilitation of housing units, or the purchase or lease of real property on which housing units will be constructed, purchased, or rehabilitated, in a qualified community, including—

(i) connecting housing units to a utility;

(ii) preparing construction sites;

(iii) transporting any equipment or material necessary for the construction or rehabilitation of housing units to and from the site on which the housing units are or will be constructed; and

(iv) carrying out an environmental assessment and remediation of a construction site or a site on which housing units are located.

(c) OWNERSHIP OF HOUSING AND LAND.—

(1) IN GENERAL.—Any housing unit constructed, purchased, or rehabilitated, and any real property purchased, using a grant or loan provided under this section shall be considered to be owned, as the Secretary determines to be appropriate, by—

(A) the affected eligible school district;

(B) the affected municipality, as defined under the laws of the State of Alaska;

(C) the affected Village Corporation;

(D) the Metlakatla Indian Community of the Annette Islands Reserve; or

(E) a tribally designated housing entity.

(2) TRANSFER OF OWNERSHIP.—Ownership of a housing unit or real property under paragraph (1) may be transferred between the entities described in that paragraph.

(d) OCCUPANCY OF HOUSING UNITS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each housing unit constructed, purchased, rehabilitated, or leased using a grant or loan under this section shall be occupied by—

(A)(i) a teacher;

(ii) an administrator; or

(iii) other school staff; and

(B) the household of an individual described in subparagraph (A), if any.

(2) NONSESSION MONTHS.—A housing unit constructed, purchased, rehabilitated, or leased using a grant or loan under this section may be occupied by an individual other than an individual described in paragraph (1) only during a period in which school is not in session.

(3) TEMPORARY OCCUPANTS.—A vacant housing unit constructed, purchased, rehabilitated, or leased using a grant or loan under this section may be occupied by a contractor or guest of an eligible school district for a period to be determined by the Alaska Housing Finance Corporation, by regulation.

(e) COMPLIANCE WITH LAW.—An eligible school district that receives a grant or loan under this section shall ensure that each housing unit constructed, purchased, rehabilitated, or leased using the grant or loan complies with applicable laws (including regulations and ordinances).

(f) PROGRAM POLICIES.—

(1) IN GENERAL.—The Alaska Housing Finance Corporation, in consultation with any appropriate eligible school district, shall establish policies governing the administration of grants and loans under this section, including a method of ensuring that funds are made available on an equitable basis to eligible school districts.

(2) REVISIONS.—Not less frequently than once every 3 years, the Alaska Housing Finance Corporation, in consultation with any appropriate eligible school district, shall take into consideration revisions to the policies established under paragraph (1).

SEC. 5. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2016.

(b) ADMINISTRATIVE EXPENSES.—Each of the Secretary and the Alaska Housing Finance Corporation shall use not more than 5 percent of funds appropriated during a fiscal year to pay administrative expenses incurred in carrying out this Act.

By Mr. DURBIN:

S. 1981. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to rebate a portion of the tax collected back to American consumers, to fund programs under the Low-Income Home Energy Assistance Act of 1981 and tax incentives for the manufacture of energy efficient motor vehicles by using a portion of the proceeds of such tax, and to deposit the balance of the tax collected into the Highway Trust Fund to support the funding of highway projects and to aid highway users, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1981

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 “Windfall Profits Tax Act of 2005”.

SEC. 2. WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

“CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

“Sec. 5896. Imposition of tax.

“Sec. 5897. Windfall profit; removal price; adjusted base price; qualified investment.

“Sec. 5898. Special rules and definitions.

“SEC. 5896. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any integrated oil company (as defined in section 291(b)(4)) an excise tax equal to the amount equal to 50 percent of the windfall profit from all barrels of taxable crude oil removed from the property during each taxable year.

“(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

“(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil.

“SEC. 5897. WINDFALL PROFIT; REMOVAL PRICE; ADJUSTED BASE PRICE.

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the removal price of the barrel of taxable crude oil over the adjusted base price of such barrel.

“(b) REMOVAL PRICE.—For purposes of this chapter—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘removal price’ means the amount for which the barrel of taxable crude oil is sold.

“(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

“(3) OIL REMOVED FROM PROPERTY BEFORE SALE.—If crude oil is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

“(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

“(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

“(5) PROPERTY.—The term ‘property’ has the meaning given such term by section 614.

“(c) ADJUSTED BASE PRICE DEFINED.—

“(1) IN GENERAL.—For purposes of this chapter, the term ‘adjusted base price’ means \$40 for each barrel of taxable crude oil plus an amount equal to—

“(A) such base price, multiplied by

“(B) the inflation adjustment for the calendar year in which the taxable crude oil is removed from the property.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the inflation adjustment for any calendar year after 2006 is the percentage by which—

“(i) the implicit price deflator for the gross national product for the preceding calendar year, exceeds

“(ii) such deflator for the calendar year ending December 31, 2005.

“(B) FIRST REVISION OF PRICE DEFLATOR USED.—For purposes of subparagraph (A), the first revision of the price deflator shall be used.

“SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are

necessary for the withholding and deposit of the tax imposed under section 5896 on any taxable crude oil.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil) with respect to such oil as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) DEFINITIONS.—For purposes of this chapter—

“(1) PRODUCER.—The term ‘producer’ means the holder of the economic interest with respect to the crude oil.

“(2) CRUDE OIL.—

“(A) IN GENERAL.—The term ‘crude oil’ includes crude oil condensates and natural gas-oline.

“(B) EXCLUSION OF NEWLY DISCOVERED OIL.—Such term shall not include any oil produced from a well drilled after the date of the enactment of the Windfall Profits Tax Act of 2005, except with respect to any oil produced from a well drilled after such date on any proven oil or gas property (within the meaning of section 613A(c)(9)(A)).

“(3) BARREL.—The term ‘barrel’ means 42 United States gallons.

“(e) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil removed.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

“(g) TERMINATION.—This section shall not apply to taxable crude oil removed after the date which is 10 years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 56. Windfall Profit on Crude Oil.”.

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”.

(d) AMERICAN CONSUMER REBATE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

“SEC. 6430. AMERICAN CONSUMER REBATE.

“(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 in an amount equal to—

“(1) in the case of any taxable year beginning in 2006, \$150, and

“(2) in the case of any taxable year beginning after 2006, the applicable amount.

“(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount for any taxpayer for any taxable year shall be determined by the Secretary not later than December 31 (beginning in 2007) taking into account the number of such taxpayers and 75 percent of the amount of revenues in the Treasury resulting from the tax imposed by section 5896 for such taxable year.

“(c) CREDITS AND REFUNDS.—Under regulations prescribed by the Secretary, any amount treated as a payment under subsection (a) for the taxable year shall be credited against the tax liability of the taxpayer under section 1 for such taxable year or, in the absence of such tax liability of the taxpayer for such taxable year, refunded to the taxpayer.

“(d) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

“(1) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins,

“(2) any estate or trust, or

“(3) any nonresident alien individual.”.

(2) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period “, or enacted by the Windfall Profits Tax Act of 2005”.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 6430. American consumer rebate.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(e) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

“SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Low-Income Home Energy Assistance Trust Fund’, consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

“(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund for each fiscal year beginning after September 30, 2005, amounts equivalent to 7.5 percent of the taxes received in the Treasury under section 5896 (relating to windfall profit tax on crude oil) for such fiscal year.

“(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund shall be available, without further appropriation, for each fiscal year to carry out the program under the Low-Income Home Energy Assistance Act of 1981 for which funds are authorized under section 2602(b) of such Act for such fiscal year, but only if not less than \$1,800,000,000 has been appropriated for such program for such fiscal year (determined without regard to any amount appropriated to the Low Income Home Energy Assistance Trust Fund).”.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 9511. Low-Income Home Energy Assistance Trust Fund.”.

(f) ENERGY EFFICIENT MOTOR VEHICLES MANUFACTURING CREDIT.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

“SEC. 30D. ENERGY EFFICIENT MOTOR VEHICLES MANUFACTURING CREDIT.

“(a) CREDIT ALLOWED.—In the case of an eligible taxpayer, subject to a credit allocation under subsection (e) to such eligible taxpayer, there shall be allowed as a credit

against the tax imposed by this chapter for the taxable year to an amount equal to the sum of—

“(1) the initial investment credit determined under subsection (b) for the taxable year,

“(2) the fuel economy achievement credit determined under subsection (c) for such taxable year, and

“(3) the eligible components R&D credit determined under subsection (d) for such taxable year.

“(b) INITIAL INVESTMENT CREDIT.—For purposes of this section, the initial investment credit is equal to 20 percent of the qualified investment of an eligible taxpayer with respect to energy efficient motor vehicles during the taxable year beginning in 2006.

“(c) FUEL ECONOMY ACHIEVEMENT CREDIT.—For purposes of this section—

“(1) IN GENERAL.—In the case of an eligible taxpayer who meets the requirements of paragraph (2) for a model year ending in a taxable year specified in the table contained in paragraph (3), the fuel economy achievement credit for such taxable year is equal to 30 percent of the sum of—

“(A) at the election of the eligible taxpayer, such qualified investment for any preceding taxable year beginning after 2005 if such taxable year has not previously been taken into account under this subsection by such taxpayer, plus

“(B) at the election of the eligible taxpayer, the qualified investment with respect to energy efficient motor vehicles of the eligible taxpayer for the taxable year beginning in 2015.

“(2) DEMONSTRATED COMBINED FLEET ECONOMY IMPROVEMENTS.—The requirements of this paragraph are met for any model year ending in a taxable year if the eligible taxpayer can demonstrate to the satisfaction of the Secretary that the percentage by which the taxpayer's overall combined fuel economy standard for the taxpayer's vehicle fleet for such model year exceeds such standard for such taxpayer's 2005 model year as reported to the National Highway Traffic Safety Administration under section 32907 of title 49, United States Code, is not less than the percentage determined for such model year under paragraph (3).

“(3) PERCENTAGE INCREASE.—The percentage determined under this paragraph for any taxable year is equal to—

“Model year ending Percentage increase in taxable year

2008	5
2009	10
2010	15
2011	20
2012	27.5
2013	35
2014	42.5
2015	50

“(d) ELIGIBLE COMPONENTS R&D CREDIT.—For purposes of this section, the eligible R&D credit for any taxable year is equal to 30 percent of the research and development costs paid or incurred by an eligible taxpayer for such taxable year with respect to eligible components used or to be used in the manufacture of energy efficient motor vehicles.

“(e) LIMITATION.—

“(1) INITIAL INVESTMENT CREDIT AND FUEL ECONOMY ACHIEVEMENT CREDIT.—Subject to paragraph (2), the aggregate amount of initial investment credits and fuel economy achievement credits allowed under subsection (a) for any taxable year beginning in a calendar year after 2005 shall be allocated by the Secretary among all eligible taxpayers—

“(A) based on each eligible taxpayer's percentage of the total qualified investment of all such taxpayers, and

“(B) such that such aggregate amount does not exceed—

“(i) \$1,000,000,000, plus

“(ii) any amount of credit unallocated during any preceding calendar year.

“(2) ELIGIBLE COMPONENTS R&D CREDIT.—Of the dollar amount available for allocation under paragraph (1) for any taxable year, 10 percent of such amount shall be allocated in the same manner by the Secretary among all eligible taxpayers with respect to the eligible components R&D credit.

“(f) QUALIFIED INVESTMENT.—For purposes of this section—

“(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

“(A) to re-equip or expand any manufacturing facility of the eligible taxpayer to produce energy efficient motor vehicles or to produce eligible components, and

“(B) for engineering integration of such vehicles and components as described in subsection (h).

“(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both energy efficient motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of energy efficient motor vehicles and the research and development costs attributable to eligible components shall be taken into account.

“(g) ENERGY EFFICIENT MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

“(1) ENERGY EFFICIENT MOTOR VEHICLE.—The term ‘energy efficient motor vehicle’ means—

“(A) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) determined without regard to subparagraph (A)(iv)(II) thereof or the weight limitation under subparagraph (A)(iv)(I) thereof),

“(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) determined without regard to subparagraph (A)(ii)(II) thereof, the weight limitation under subparagraph (A)(ii)(I) thereof, and subparagraph (A)(iv) thereof), or

“(C) any other new technology motor vehicle identified by the Secretary as offering a substantial increase in fuel economy.

“(2) ELIGIBLE COMPONENTS.—The term ‘eligible component’ means any component inherent to any energy efficient motor vehicle, including—

“(A) with respect to any gasoline-electric new qualified hybrid motor vehicle—

“(i) electric motor or generator,

“(ii) power split device,

“(iii) power control unit,

“(iv) power controls,

“(v) integrated starter generator, or

“(vi) battery,

“(B) with respect to any new advanced lean burn technology motor vehicle—

“(i) diesel engine,

“(ii) turbocharger,

“(iii) fuel injection system, or

“(iv) after-treatment system, such as a particle filter or NOx absorber, and

“(C) with respect to any energy efficient motor vehicle, any other component approved by the Secretary.

“(h) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (f)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of energy efficient vehicles for engineering tasks related to—

“(1) incorporating eligible components into the design of energy efficient motor vehicles, and

“(2) designing new tooling and equipment for production facilities which produce eligible components or energy efficient motor vehicles.

“(i) ELIGIBLE TAXPAYER.—For purposes of this section, the term ‘eligible taxpayer’ means, with respect to any taxable year, any taxpayer if more than 25 percent of the taxpayer’s gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

“(j) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of—

“(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

“(B) the tax imposed by section 55 for such taxable year, over

“(2) the sum of the credits allowable under subpart A and sections 27, 30, 30B, and 30C for the taxable year.

“(k) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(l) NO DOUBLE BENEFIT.—

“(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—The amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

“(2) RESEARCH AND DEVELOPMENT COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (d) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

“(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (d) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

“(m) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (j) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

“(n) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) DEFINITIONS.—Any term which is used in this section and in chapter 329 of title 49, United States Code, shall have the meaning given such term by such chapter.

“(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) and paragraphs (1) and (2) of section 41(f) shall apply.

“(o) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

“(p) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

“(q) TERMINATION.—This section shall not apply to any qualified investment made after December 31, 2015.”

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of

paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(k).”

(B) Section 6501(m) of such Code is amended by inserting “30D(o),” after “30C(e)(5).”

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Energy efficient motor vehicles manufacturing credit.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts incurred in taxable years beginning after December 31, 2005.

(g) TRANSFER TO HIGHWAY TRUST FUND TO FUND HIGHWAY PROJECTS AND AID HIGHWAY USERS.—

(1) IN GENERAL.—Section 9503(b)(1) of the Internal Revenue Code of 1986 (relating to certain taxes) is amended—

(A) by inserting “(before January 1, 2016, in the case of taxes under section 5896)” after “2011”

(B) by striking “and” at the end of subparagraph (D),

(C) by striking the period at the end of subparagraph (E) and inserting “, and”,

(D) by inserting after subparagraph (E) the following new subparagraph:

“(F) section 5896 (relating to windfall profit tax).”, and

(E) by adding at the end the following new sentence: “For purposes of this paragraph, the aggregate amount which is appropriated to the Highway Trust Fund as determined by reference to taxes received under section 5896 shall be reduced by the aggregate amount of the American consumer rebate determined under section 6430, the amount appropriated for each fiscal year to the Low-Income Home Energy Assistance Trust Fund under section 9511(b), and an amount of \$1,000,000,000 for each of fiscal years 2006 through 2015.”

(2) PORTION TO MASS TRANSIT ACCOUNT.—Section 9503(e)(2) of such Code (relating to transfers to Mass Transit Account) is amended by inserting “and 18.5 percent of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to the tax under section 5896” after “1983”.

(3) SPECIAL RULE REGARDING HIGHWAY PROJECTS FUNDED BY WINDFALL PROFIT TAX REVENUES.—Notwithstanding section 120 of title 23, United States Code, the Federal share of the cost of any project or activity carried out using funds deposited in the Highway Trust Fund under section 9503(b)(1)(F) of the Internal Revenue Code of 1986 shall be 100 percent to the extent such funds are available under such section.

(h) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to crude oil removed after the date of the enactment of this Act, in taxable years ending after such date.

By Ms. SNOWE:

S. 1982. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit against residential heating costs; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to introduce legislation that would provide a tax credit for home energy costs to low- and middle-income taxpayers. This legislation will help those who are struggling to simply heat their homes as winter approaches and while fuel prices remain so high.

Home heating oil in Maine is \$2.52 per gallon, up 59 cents from a year ago.

Kerosene prices average \$2.95 a gallon, 75 cents higher than this time last year. Some projections have a gallon of heating oil reaching \$3.00! And I am told that rolling blackouts on cold days this winter may be a possibility because of a high demand for electricity.

According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit \$1,666 for the upcoming winter. This represents an increase of \$403 over last winter’s prices and \$714 over the winter heating season of 2003–2004. Should colder weather prevail, these costs will surely increase, especially for States like Maine.

So understandably, my constituents are asking how they will be able to afford to pay home heating oil bills that are 30 percent more expensive than last year. This is a crisis that has arrived.

Heating one’s home is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. Churches, food pantries, local service organizations—they are all deeply concerned, and the leaves have barely fallen from the trees.

In order to help low- and middle-income families heat their homes this winter, I am proposing a tax credit for home energy costs up to \$500. The credit would be available to married couples earning less than \$100,000 and single taxpayers making less than \$50,000.

My legislation also directs the Treasury Department to assist individuals to adjust their withholding amounts for 2006, which will immediately increase take home pay. Without adjusting their withholding, taxpayers would not benefit from the credit until they file their taxes sometime in 2007, possibly long after energy prices have returned to a normal level. As a result, this is a crucial provision to ensure that these individuals and families get a helping hand exactly when they need it most. Finally, any unused credit amount could be carried back to the prior two taxable years or carried forward to future taxable years.

It is critical that those who would benefit from the home energy credit are not at the same time required to shoulder the burden of the cost of the credit through an increase in the national debt. This credit should be paid for, and it makes sense to me that costs of the credit should be financed by those who profit the most by high energy prices, namely large oil companies. I am concerned that while many individuals are forced to make the choice of heating one’s home or meeting the other basic necessities of life, large oil companies are showing record profits. Therefore, the Home Energy Cost Tax Assistance Act includes an offset provision to disallow the tax benefit that large oil companies with

revenues in excess of \$1 billion in 2005 receive by use of the Last-In, First-Out (LIFO) tax accounting method. Instead, these companies would be required to use the First-In, First-Out (FIFO) method of accounting for 2005. Put another way, the proposal would scale back a tax provision that allows oil companies to take an enormous tax deduction when prices are sky high and allows them to boost after-tax profits even further. As big oil companies show record profits on the backs of ordinary Americans, they have less of a need for such a tax break, and I believe it is fair to scale back this tax break in order to lend a helping hand to low- and middle-income workers.

It is critical that Congress act to help low and middle income Americans absorb the increased home energy costs associated with the drastic increase in price of fuel. Temperatures are falling, prices are rising and we must move swiftly.

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. 1982

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 "Home Energy Assistance Act of 2005".

SEC. 2. TAX CREDIT AGAINST RESIDENTIAL HEATING COSTS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT AGAINST RESIDENTIAL HEATING COSTS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount paid or incurred during such taxable year for residential heating costs.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount of the credit allowed to under subsection (a) to any taxpayer shall not exceed \$500 for any taxable year.

"(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount of the credit which would (but for this paragraph) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayers adjusted gross income for such taxable year, over

"(II) the threshold amount, bears to

"(ii) the phaseout amount.

"(C) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(i) \$80,000 in the case of a joint return,

"(ii) \$65,000 in the case of a head of a household, and

"(iii) \$40,000 in any other case.

"(D) PHASEOUT AMOUNT.—For purposes of this paragraph, the term 'phaseout amount' means—

"(1) \$20,000 in the case of a joint return or a head of a household, and

"(ii) \$10,000 in any other case.

"(3) MAXIMUM CREDIT PER HOUSEHOLD.—

"(A) IN GENERAL.—In the case of any household, the credit under subsection (a) shall be allowed only to the individual residing in such household who furnishes the largest portion (whether or not more than one-half) of the cost of maintaining such household.

"(B) DETERMINATION OF AMOUNT.—In the case of an individual described in subparagraph (A), such individual shall, for purposes of determining the amount of the credit allowed under subsection (a), be treated as having paid or incurred during such taxable year for increased residential heating costs an amount equal to the sum of the amounts paid or incurred for such heating costs by all individuals residing in such household (including any amount allocable to any such individual under subsection (d) or (e)).

"(C) CARRYBACK OF CREDIT.—

"(1) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (b)(1) for such taxable year, such excess shall be allowed—

"(A) as a credit carryback to each of the 2 taxable years preceding such taxable year, and

"(B) as a credit carryforward to each of the 20 taxable years following such taxable year.

"(2) AMOUNT CARRIED TO EACH YEAR.—Rules similar to the rules of section 39(b)(2) shall apply for purposes of this section.

"(3) LIMITATION.—The amount of unused credit which may be taken into account under paragraph (1) for any taxable year shall not exceed the limitation under subsection (b)(1).

"(D) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) RESIDENTIAL HEATING COSTS.—The term 'residential heating costs' means costs incurred in connection with an energy source used to heat a principal residence of the taxpayer located in the United States.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as in section 121, except that—

"(A) no ownership requirement shall be imposed, and

"(B) the principal residence must be used by the taxpayer as the taxpayer's residence during the taxable year.

"(3) NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(4) TREATMENT OF EXPENSES PAID BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

"(A) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

"(B) residential heating costs paid by such individual during such individual's taxable year shall be treated for purposes of this section as paid by such other taxpayer.

"(e) HOMEOWNERS ASSOCIATIONS.—The application of this section to homeowners associations (as defined in section 528(c)(1)) or members of such associations, and tenant-stockholders in cooperative housing corporations (as defined in section 216), shall be allowed by allocation, apportionment, or otherwise, to the individuals paying, directly or

indirectly, for the increased residential heating cost so incurred.

"(f) APPLICABILITY OF SECTION.—This section shall apply to taxable years beginning after December 31, 2005, and before January 1, 2007."

(b) REDUCTION IN WITHHOLDING.—The Secretary of the Treasury—

(1) shall educate taxpayers on adjusting withholding of taxes to reflect any anticipated tax credit under section 25E of the Internal Revenue Code of 1986, and

(2) may adjust the wage withholding tables prescribed under section 3402(a)(1) of such Code to take into account the credit allowed under section 25E of such Code.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 35 and by adding at the end the following new items:

"Sec. 25E. Credit against residential heating costs."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 3. DISALLOWANCE OF USE OF LIFO METHOD OF ACCOUNTING BY LARGE INTEGRATED OIL COMPANIES FOR LAST TAXABLE YEAR ENDING BEFORE OCTOBER 1, 2005.

(a) GENERAL RULE.—Notwithstanding any other provision of law, an applicable integrated oil company shall, in determining the amount of Federal income tax imposed on such company for its most recent taxable year ending on or before September 30, 2005, use the first-in, first-out (FIFO) method of accounting rather than the last-in, last-out (LIFO) method of accounting with respect to its crude oil inventories.

(b) APPLICATION OF REQUIREMENT.—The requirement to use the first-in, first-out (FIFO) method of accounting under subsection (a)—

(1) shall not be treated as a change in method of accounting, and

(2) shall be disregarded in determining the method of accounting required to be used in any succeeding taxable year.

(c) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which—

(1) had gross receipts in excess of \$1,000,000,000 for its most recent taxable year ending on or before September 30, 2005, and

(2) would, without regard to this section, use the last-in, first-out (LIFO) method of accounting with respect to its crude oil inventories for such taxable year.

For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person.

By Mr. SANTORUM (for himself, Mr. NELSON of Nebraska, Mr. INHOFE, Mr. DEMINT, Mr. DEWINE, Mr. HAGEL, Mr. COBURN, Mr. GREGG, Mr. BROWNBACK, Mr. ENSIGN, Mr. MARTINEZ, Mr. KYL, Mr. VITTER, and Mr. BURR):

S. 1983. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, I rise today to introduce the Abortion

Non-Discrimination Act of 2005. I am pleased to be joined in this effort by Senators BEN NELSON, INHOFE, DEMINT, DEWINE, HAGEL, COBURN, GREGG, BROWNBACK, ENSIGN, MARTINEZ, KYL, VITTER, and BURR.

Abortion has been, and continues to be, one of the most divisive social issues in our Nation. I realize that there are people of good will on both sides of this issue, people who working for the best interests of women, children and families. Despite the great disagreements, there are points of this debate where the vast majority of Americans agree, for example the Partial-Birth Abortion Ban Act, the Unborn Victims of Violence Act, and the Born-Alive Infants Protection Act. The bill I introduce today is one of these areas of common ground. However one may feel about abortion, surely we can agree on the principle that no one should be forced to participate in an abortion in violation of one's conscience.

We should all agree that no person or entity should be forced, against their will or conscience, to provide, refer for, or pay for an abortion. No entity should be forced to choose between being involved in an abortion or losing its funding, its certification, or its ability to exist as a hospital. Healthcare entities including physicians, other health professionals, hospitals, provider-sponsored organizations, health maintenance organizations, and health insurance plans should not be coerced into providing abortion services, and they certainly should not be discriminated against because of their objections to providing or paying for abortions.

Current law, as has been interpreted by some courts, only provides protection for individual physicians, post-graduate physician training programs, and participants in health professions training. This narrow interpretation excludes from protection those who deserve it. The Abortion Non-Discrimination Act of 2005 directly addresses these concerns by clarifying and strengthening existing law. This legislation makes clear that other health professionals, hospitals, health insurance plans, and any other kind of health care facility, organization, or plan cannot be forced to perform, provide coverage of, or pay for an abortion when it conflicts with their conscience. These individuals and organizations deserve the freedom to follow their conscience in protecting innocent life. They should not be forced to suffer financial consequences for their choice not to participate in an abortion.

I am thankful for the Hyde-Weldon conscience protection language that was included in the Consolidated Appropriations Act of 2005, but I believe it is appropriate to codify such conscience protection in Federal law. I am hopeful the Senate will act to pass the Abortion Non-Discrimination Act during this Congress.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1983

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 "Abortion Non-Discrimination Act of 2005".

SEC. 2. ABORTION NON-DISCRIMINATION.

Section 245 of the Public Health Service Act (42 U.S.C. 238n) is amended—

(1) in the section heading by striking "**AND LICENSING OF PHYSICIANS**" and inserting "**LICENSING, AND PRACTICE OF PHYSICIANS AND OTHER HEALTH CARE ENTITIES**";

(2) in subsection (a)(1), by striking "to perform such abortions" and inserting "to perform, provide coverage of, or pay for induced abortions"; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "includes" and inserting "means"; and

(B) in paragraph (2)—

(i) by inserting "or other health professional," after "an individual physician";

(ii) by striking "and a participant" and inserting "a participant"; and

(iii) by inserting before the period the following: "a hospital, a provider sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization or plan".

By Mr. ALLARD:

S. 1986. A bill to provide for the coordination and use of the National Domestic Preparedness Consortium by the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALLARD. Mr. President, the events of the past few months remind us of the vital role of first responders in responding to natural disasters and terrorists attacks. First responders are just that: the first to respond. When they arrive on the scene, they often face fluid and volatile situations whereupon they are required to make split-second decisions, each of which has the potential to affect thousands of lives. For this reason, it is important that our first responders receive the training and experience needed to make critical life saving decisions under emergency circumstances. I believe that an essential element of preparing our first responders is to provide them with hands-on experience in simulated, real-world training environments.

The importance of real world training was called to my attention by a visit to the Technology Training Center (TTC) in Pueblo, CO. There, I witnessed first hand the tools at our disposal to equip our first responders with the training they need, specifically in the context of rail and mass transit. Already aware of the training facilities at the disposal of our first responders through the Department of Homeland Security's National Domestic Pre-

paredness Consortium (NDPC), TTC's potential to fill a gap in the rail and mass transit environment became apparent.

Congress recognized the need to train first responders in the 1998 Appropriations Act, Public Law 105-119, and accompanying report. There, Congress stated that, while the Federal Government plays an important role in preventing and responding to these types of threats, state and local public safety personnel are typically first to respond to the scene when such incidents occur. As a result, Congress authorized the Attorney General to assist state and local public safety personnel in acquiring the specialized training and equipment necessary to safely respond to and manage terrorist incidents involving weapons of mass destruction.

On April 30, 1998, the Attorney General delegated authority to the Justice Department's Office of Justice Programs (OJP) to develop and administer training and equipment assistance programs for state and local emergency response agencies to better prepare them against this threat. To execute this mission, the Office of Justice Programs established the Office for Domestic Preparedness (ODP) to develop and administer a national Domestic Preparedness Program.

Upon passage of the Homeland Security Act of 2002, Pub. L. 107-296, the ODP was transferred to the Department of Homeland Security from OJP. In 2003, a number of grant programs and functions from other DHS components were consolidated with ODP, including the NDPC, under a new DHS agency, the Office of State and Local Government Coordination and Preparedness (SLGCP).

Today, SLGCP is the Federal Government's lead agency responsible for preparing the nation against terrorism by assisting states, local and tribal jurisdictions, and regional authorities as they prevent, deter, and respond to terrorist acts. SLGCP's ODP provides tailored training to enhance the capacity of States and local jurisdictions to prevent, deter, and respond safely and effectively to emergency situations.

ODP draws upon a coalition of "training partners" in the development and delivery of state-of-the-art training programs. This coalition is composed of government facilities, academic institutions, and private organizations, all of which are committed to providing a variety of specialized training for emergency responders across the country.

ODP's major training partner is the NDPC, through which ODP identifies, develops, tests, and delivers training to state and local emergency responders. The NDPC includes: ODP's Center for Domestic Preparedness (CDP); CDP provides advanced, hands-on training to members of the emergency response community in the areas of command, advanced hazmat, and tactical operations. CDP is the only WMD training facility that provides hands-on training to civilian emergency responders in

a toxic chemical agent environment. New Mexico Institute of Mining and Technology (NMIMT): NMIMT, a world leader in explosives research, serves as the lead NDPC partner for explosives, firearms, and incendiary devices training. New Mexico Tech also delivers a program on suicide bombing prevention. Louisiana State University (LSU): LSU provides training and expertise in the areas of law enforcement, bioterrorism, agricultural terrorism, weapons of mass destruction, and mass casualty incidents. Texas A&M University System, Texas Engineering Extension Service (TEEX): TEEX develops and conducts national WMD preparedness training for all emergency response disciplines, as well as courses in incident management/unified command, threat and risk assessments, operations for public works, and WMD operations for emergency medical services. TEEX also conducts a structural collapse technician course to build state capabilities for urban search and rescue operations. Department of Energy's Nevada Test Site (NTS): NTS conducts radiological and nuclear training at NTS and via mobile training teams. It also develops and delivers radiological/nuclear mobile training at the awareness and operations levels and conducts train-the-trainer courses for first responders across the country.

Although it consists of an impressive array of training facilities, the National Domestic Preparedness Consortium is not statutorily authorized and does not include a facility that is uniquely focused on emergency preparedness within the railroad and mass transit environment. Therefore, in addition to specifically authorizing the NDPC, this bill incorporates the Transportation Technology Center into the Department of Homeland Security's National Domestic Preparedness Consortium, filling a critical gap in its current training agenda.

TTC is a federally-owned, 52 square mile multi-modal testing and training facility in Pueblo, Colorado, operated by the Association of American Railroads (AAR). In 1985, TTC established an on site Emergency Response Training Center (ERTC) to train railroad officials to safely handle accidents involving tank cars carrying hazardous materials. The training proved to be so successful that attendance was opened up to other emergency responders. TTC now serves not only the transportation service industry, but also the public sector emergency response community, the chemical industry, government agencies, and emergency response contractors from all over the world.

Each year, an average of 1,700 first responders—from Portland, ME to Portland, OR—travel to Pueblo, CO, to participate in TTC's training program. Former participants include over 600 fire departments and entities from 45 states; 16 state police agencies from Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, New Jersey,

Nebraska, New Mexico, Oregon, Texas, and Washington; and numerous government agencies, including the U.S. Air Force, Army, Coast Guard, Customs Service, Federal Bureau of Investigations, Environmental Protection Agency, Drug Enforcement Agency, National Oceanic and Atmospheric Administration, and the National Transportation Safety Board. In its 20 year history, the facility has trained more than 20,000 students worldwide.

The ERTC is regarded as the "graduate school" of hazmat training because of its focus on hands-on, true to life, training exercises on actual rail vehicles, including tank cars and passenger rail cars. The ERTC is uniquely positioned to teach emergency response for railway-related emergencies with 69 railway freight cars, 15 railroad passenger cars, 25 highway cargo tanks, van trailers, and intermodal containers, and computer work stations equipped with the latest emergency response software. The Passenger Railcar Security and Integrity Training Facility is currently being developed to test various inspection, response, and remediation techniques' effectiveness for mitigation to incidents involving passenger railcars. This facility focuses on chemical, biological, radiological, nuclear, or explosive incidents and other activities associated with potential terrorist events.

The distinctive environment of TTC allows testing and training activities to be carried out at a remote Colorado location without disruption to the flow of passenger and rail traffic in and around urban areas. Its inclusion in the NDPC presents a unique opportunity to enhance technology and training that will improve our Nation's ability to prevent, minimize, and respond to potential terrorist attacks similar to those recently seen in London and Madrid.

It is for these reasons, among others, that I rise today to introduce a bill statutorily authorizing the National Domestic Preparedness Consortium, as expanded to include the Transportation Technology Center in Pueblo, CO, and providing for its coordination and use by the Department of Homeland Security in training the Nation's first responders.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 63—SUPPORTING THE GOALS AND IDEALS OF NATIONAL HIGH SCHOOL SENIORS VOTER REGISTRATION DAY

Mr. VITTER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 63

Whereas in order for the Government of the United States to remain of the people, by the people, and for the people, individuals must take advantage of their right to vote;

Whereas the right to vote is one of the most important rights of a citizen, and every effort should be made to promote voter registration at school so that students may begin participating in the foundation of the Nation's representative democracy;

Whereas the Legislature of Louisiana voted in 2002 to recognize annually the first Tuesday in May as National High School Seniors Voter Registration Day; and

Whereas the purpose of National High School Seniors Voter Registration Day is to allow students to register to vote at school to encourage their participation in making democracy work: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of National High School Seniors Voter Registration Day, and encourages all eligible students to register to vote.

SENATE CURRENT RESOLUTION 64—EXPRESSING THE SENSE OF THE CONGRESS REGARDING OVERSIGHT OF THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

Mr. BURNS (for himself, Mr. LEAHY, Mr. INOUE, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. NELSON of Florida, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 64

Whereas the origins of the Internet can be found in United States Government funding of research to develop packet-switching technology and communications networks, starting with the "ARPANET" network established by the Department of Defense's Advanced Research Projects Agency in the 1960s and carried forward by the National Science Foundation's "NSFNET";

Whereas in subsequent years the Internet evolved from a United States Government research initiative to a global tool for information exchange as in the 1990s it was commercialized by private sector investment, technical management and coordination;

Whereas since its inception the authoritative root zone server-the file server system that contains the master list of all top level domain names made available for routers serving the Internet-has been physically located in the United States;

Whereas today the Internet is a global communications network of inestimable value;

Whereas the continued success and dynamism of the Internet is dependent upon continued private sector leadership and the ability for all users to participate in its continued evolution;

Whereas in allowing people all around the world freely to exchange information, communicate with one another, and facilitate economic growth and democracy, the Internet has enormous potential to enrich and transform human society;

Whereas existing structures have worked effectively to make the Internet the highly robust medium that it is today;

Whereas the security and stability of the Internet's underlying infrastructure, the domain name and addressing system, must be maintained;

Whereas the United States has been committed to the principles of freedom of expression and the free flow of information, as expressed in Article 19 of the Universal Declaration of Human Rights, and reaffirmed in the Geneva Declaration of Principles adopted at the first phase of the World Summit on the Information Society;