United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, JANUARY 26, 2005 *No. 6*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore.

PRAYER

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

Let us pray.

Eternal King, our refuge and strength, we lift our hearts in gratitude for the gift of this new day. We trust You to order our steps and direct us on the right road. Lord, show us where to walk and lead us with Your truth, for we are kept by Your unfailing love and compassion. For the honor of Your name, forgive our sins, for You alone can rescue us.

Bless our Senators today in their work. May integrity and honesty protect them. Keep them safe as they do the work of freedom. Give them the wisdom to take their burdens to You, knowing You will strengthen them for the journey. Keep them from slipping or falling.

In a special way, comfort the families of the Marines who died recently in the helicopter crash. Place Your shield of protection around our military.

We pray in Your powerful name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following our leader remarks, we will have an abbreviated period for morning business until 10:30 a.m. At 10:30, we will begin the final hour of debate on the nomination of Condoleezza Rice to be Secretary of State. Therefore, the vote on that nomination will occur at 11:30 this morning.

Following that vote, the Senate will consider the nomination of Jim Nicholson to be Secretary of Veterans Affairs. That will take 30 minutes or less, as provided by the order, and we do not anticipate a rollcall vote on that nomination.

Following that nomination, the Senate will consider the nomination of Michael Leavitt to be Secretary of Health and Human Services. The order from last night allows for up to 2 hours of debate. Again, I am not sure, but I do not think all of that debate time will be necessary. In any event, we do not have a request for a rollcall vote in relation to the Leavitt nomination as well.

Other nominations are expected to be reported today, including the Bodman nomination to be Secretary of Energy. We will try, of course, to expedite the consideration of this Cabinet-level appointment for today as well.

Again, as a reminder, the first rollcall vote will occur at 11:30 a.m. today.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, I have a few remarks to make on the Iraq elections. I will proceed in sharing a few experiences that I had recently, but really focus on what will occur on Sunday, January 30, and that is that millions of Iraqis will, for the first time in decades, vote in free elections.

I truthfully believe we will see the power of elections speak loudly this Sunday. It is going to be with a lot of courage and a lot of determination that those who vote will travel to over 5,000 polling stations across the country. They will be casting their ballot for 275 national assembly positions that will, in turn, draft a new constitution.

It is a historic event for the people of Iraq. It is, in the words of historian Fouad Ajami, ''a breakthrough in the terrible history of this tormented land.''

Doomsayers and pessimists point to the terrorist attacks on the Iraqi citizenry as proof that Iraqis are not ready for self-governance. They say: Postpone the elections. They say: Iraqis have no history of liberty. In other words, withhold freedom from the innocent and hand victory to the guilty. Blame the victim, reward the criminal. It is a cruel logic and one that, thankfully, the Iraqis have flat out rejected.

Indeed, numerous candidates all over the country have entered the elections despite the insurgents' and the terrorists' threats and attempts at intimidation. Iraqi voter turnout on Sunday will be higher than in many Western democracies.

Listen to the words of Iraqis themselves. Baghdad resident Ali Danif tells an American paper:

Going to the polling stations is a victory for the Iraqi people.

Says his friend Kadhim Hassan:

Without elections, there will be tyranny. It's time for us to come into the light.

On January 30, Iraqis will take those first momentous steps. No one presumes the elections will be perfect, including the Iraqi people themselves. The terrorists will continue their attempts to derail the process between now and then. Unfortunately, the attacks, I believe, are likely to increase during this period and quite possibly for some time afterward. But the American people will stand with the Iraqi people for democracy and for freedom.

I was in Iraq 2 weeks ago with a Senate delegation, and based on our experiences in talking with the Iraqi people, in talking with the leadership, and

attending a town meeting, I can say with confidence that despite the insurgents' bombs and threats, democracy is on the way.

During our time in Iraq, my Senate colleagues and I were in a meeting with Prime Minister Allawi. In the middle of that meeting, he asked if we would be willing to go around the block or a few hundred yards away at a townhall meeting that he was conducting. We said yes. It was spontaneous, and we did not know what to expect.

We went with him in the middle of our meeting, and it was a meeting he had been holding over the course of the day. We walked into a room about the size of this Chamber, and it was packed. It was packed with more than 150 Sunni sheiks who were from the Sunni triangle area, the area where most of the terrorist activity has been occurring.

We walked into the room, and it was embroiled in activity. It was embroiled in debate. People were scrambling. Sheiks were scrambling for the microphone so they could express themselves. There was controversy, disagreement. It was orderly in the sense that one person talked at a time. This was really democracy at its best. It was spontaneous, not planned by us. The Prime Minister, in meeting with the sheiks, spent most of the day listening very patiently.

The presentations were passionate, and for me it captured the real contrast on that day when we saw free speech and full expression. Some were saying postpone the elections; others we saying, no, don't postpone the elections. This is the first step toward democracy. Others said America has done things perfectly, knowing we were in the room, and others said we should have done this or done that.

The point is, everybody was expressing themselves, and the Prime Minister was sitting before them listening patiently, taking the opportunity to comment. It was a striking contrast to the decades under Saddam where disagreement could lead, and frequently did lead, to torture and, in many cases, as we know, ultimately death.

So progress is being made. The will of the Iraqi people is, for the first time in decades, being heard. These elections will give an element of legitimacy of expression of the Iraqi people that heretofore has not been there to the degree that it should be and that it will be in the future. It is through the ballot box, the power of that ballot box that the Iraqis will begin this journey.

I need to comment again very briefly on a Tennessee angle to these elections because the Tennessee population of Iraqis is quite high and, therefore, Nashville, TN, has been chosen as one of the polling sites so that Iraqis, mainly a Kurdish community that has come to the United States, can express themselves in this election.

It was in 1977 that a professor named Franklin Jones agreed to sponsor the first Kurdish family in Nashville, almost 30 years ago. Now Nashville boasts the largest Kurdish community in the United States of America. Referred to by some as ''Little Kurdistan,'' there are 5,000 to 8,000 Kurdish families living in Nashville, and on Sunday, 3,700 Iraqi Americans living in the Nashville region will go out to our Tennessee State fairgrounds where they will cast their vote. It is an out-of-country voting site that has been established. They will be participating in creating this new and free Iraqi government.

The story of Nashville's Kurdish community is a special one. After that first Kurdish family arrived in 1977, more and more Kurds came to Nashville. A number of our community and church organizations focused on the Kurds' plight and helped refugees adjust, settle in, and be assimilated into our wonderful city, Nashville.

During the 1980s, a small Kurdish community began to develop. You ask why. A lot of it is serendipity, but one of the answers you get is the climate in Nashville reminded them of the climate back home.

In 1991, during Desert Storm, a large contingent of Kurds fled to the United States, and many of them joined their brethren in Tennessee. Job opportunities were high, cost of living was low, and Nashville's unparalleled hospitality welcomed them and made them feel safe.

On Sunday, when millions of Iraqis go to the polls to vote for the first time in Iraq, they will be joined by their compatriots in Nashville. And among them, as an aside, will be Samir, the Iraqi-American translator who found Saddam Hussein down in his spider hole.

I am proud that early on the people of Tennessee welcomed Iraqis into their homes, into their communities, and gave them shelter and hope. I am honored the city of Nashville and the State of Tennessee will provide Iraqis across the region with the opportunity to express themselves on January 30.

It is a historic day for them and a historic day for the coalition that has invested so much in the Iraqi people, and a historic day for democracy. We will see young men and women going to the polls expressing themselves. People have been waiting a long time for this day.

In closing, we were all abuzz last week with the activities surrounding the 55th inaugural. It was a wonderful event for those of us who participated here in the Capitol and for those who watched it across America—the glowing lights, the banners. To have that peaceful transfer of the election process be realized is clearly remarkable for us all. But at its core, the inauguration was not for a party and not for a particular person. It was a celebration of the blessing of democracy and the freedoms we enjoy, freedoms I am confident one day will be ever much as common in Iraq as it is in the United States.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transition of morning business until 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the Senator from Kansas, Mr. BROWNBACK, or his designee.

Who yields time? The Senator from Washington.

KEEPING AMERICA'S PROMISES TO ITS VETERANS

Mrs. MURRAY. Mr. President, this morning I rise to speak about one of the issues that is facing our country, an issue we need to understand and live up to, a promise that we made to the young men and women who serve us overseas. Since this election, we have heard a lot about the crises that are facing our country and what our obligation is and the discussions that will occur in the Senate and around the country about those as we move forward.

Next week, we will hear from the President on the State of the Union. I will be listening very carefully to hear if he addresses the issue that I think is clearly one of the most important issues our country needs to address, and that is how we treat the young men and women who are coming home, who have served us in Iraq, Afghanistan, and around the globe, and that we have the services available for them to keep the promise we made to them when they went to serve all of us. I am talking about the veterans who have come home to our country throughout our time, who have served us well, who fought for our freedom, who have been there for every one of us, and who are now facing severe shortages of services. I am taking about the promises we made to them for their health care, to make sure they are reintegrated into society in the United States and given what we have promised them when they went to serve all of us.

This morning we woke up to the news of 30-some Marines who have been tragically lost in an accident. Our hearts go out to their families, to their loved ones, and to all who know them, and we owe them and their families a sincere debt of gratitude. It is a reminder to all of us today of the service that these men and women give us, of the ultimate sacrifice, so we can have the freedoms that are so important to us at home.

It is a reminder to all of us that we owe them more than rhetoric on this floor or promises when they leave but fulfillment of those promises when they come home. We need to fullfil the promise of services available so their health care needs are met and that they are given the full support of this country when they return.

I was involved in working with our veterans many years ago. My own father was a veteran. He served us in World War II. He was one of the first soldiers into Okinawa. He was injured there when they went in. He went to Hawaii for a time, was in a hospital, and then went back to Okinawa to continue his services. He was an injured and disabled veteran all of his life.

I never knew of the sacrifices he gave or what his life story was until he died. We found his journals and read the day-to-day transcripts of what he as a young man, barely 20, did for our country overseas, the injuries he sustained, what he saw on the battlefield. He never talked about that when he came home.

As I read through those diaries day by day, I realized what a tremendous service he and thousands of other men and women have given to all of us so that we have the freedoms we have today, so that my grandson who is growing up in this country today has the freedoms his grandfather fought for.

Today, as I go home and talk to our veterans in Tacoma, Vancouver, and Walla Walla, our veterans who are struggling to get health care in north central Washington, I hear them begging us to help them get the health care services they were promised. We need to step up to the plate.

As I talk to the Army and to our Guard and Reserve members at home, they tell me about the thousands of soldiers who are now returning to Washington State and around the country who will face long lines, who will not have the services they need, particularly mental health and posttraumatic stress syndrome. I am deeply concerned that we are not putting in place the resources these veterans need to be there for them.

In 1972, I served my country in a unique way when I was in college. It was a time of war for our country, the Vietnam War. I volunteered to do my internship at WSU, Washington State University, at the veterans hospital in Seattle, WA. I served on the psychiatric ward. I worked day in and day out with our young men and women who were my age at the time returning from Vietnam. I saw the mental health scars they had.

What I saw inside the VA system was people who understood what they had gone through, who were willing to work with them day in and day out, but as I left that VA hospital every afternoon to go home, I was out on the street with people who did not understand and were not there to support these veterans.

I am committed at this time when our men and women come home from Iraq and Afghanistan and the missions we have sent them to around the world to make sure we are there for them and the support is there to reintegrate them into America.

I look at our budgets today and I see that is not the case. Later this afternoon Ambassador Nicholson, a very fine man, will be confirmed, most likely, on the Senate floor. I have met with him. I have talked with him about the tremendous backlog of services, about my concerns about the members of the services who are coming home today and the services that are not available. I know he is committed to doing the right thing.

What I will be listening to is the State of the Union next week, and the President's budget, more importantly, when it comes to Congress, to see if indeed it has the support we need for our veterans, for the services they so rightfully deserve and need to have in order to be able to reintegrate into this country and to be able to continue to have full and promising lives at home once they return.

I fear we are not going to see a VA budget that has those services. Today in Washington State we are hearing the commitments that have already been made in north central Washington for a clinic in Bellingham may not be able to happen because the budget moneys have been so severely cut back. That is wrong. These are promises these veterans have been given and that they need.

Veterans who live in Wenatchee, WA, should not have to travel 8 hours on icy mountain roads to be able to get the health care services they need. When I go up there and I talk to a wife of a veteran who has health problems and she tells me her husband cannot get to the doctor, I think our country has not fulfilled a promise we made. We have to keep those promises, and where those promises will be seen is in the budget and in the appropriations process this year, whether we put our money behind the rhetoric we hear every day from people who thank the people who serve us overseas.

The Democratic Senators have put forward an excellent bill that I will be talking about in the days and months to come. S. 13 is a bill that will keep our promise to American veterans. It is very important legislation, and I hope we get bipartisan support for it—I hope we get support across the country—and Members sign on to be a sponsor of this legislation to push this forward so we keep our promise to veterans.

S. 13, the bill that has been introduced, begins by expanding mental health care to all of our VA hospitals by 2006. This is extremely important. When I talk to our veterans organizations, they tell me as many as 20 percent or more of our men and women who are serving will come home with posttraumatic stress syndrome or mental health conditions, that we need to make sure they get the help and support they need to deal with that. So the first part of the bill will expand mental health care to all of our VA hospitals by 2006.

Secondly, it will make prescription drugs readily available to veterans. Under current regulations, a veteran who receives a prescription from a private doctor has to complete a physical with a VA physician before the VA will honor their prescription. That kind of redtape costs the VA an estimated billion dollars or more each year. So our bill will overturn that regulation and provide veterans with a quick and easy access to prescription drugs. This will save us money and it will help our veterans who so desperately need it.

This bill will also ensure that no veteran is forced to choose between their disability compensation and their retirement pay by 2006. This is an issue I hear about in every corner of my State from all veterans. Those who served our country should not have to choose between their disability payments and their retirement pay. The Senate has addressed this issue before. In conference, we were not able to move it as far as we needed to. This bill fixes it so veterans no longer face that difficult choice.

This bill also creates a seamless transition from the military to the VA. Many of our veterans who have returned home have encountered obstacles to getting the services they deserve when they leave their active-duty status. While the Defense and Veterans Departments have been trying to iron out the kinks by preventing a seamless transition from military life to the VA system, the agencies have not completed any of the seven recommendations for this that have been offered by the President's task force.

S. 13 will enact each of these seven recommendations, including requiring preseparation medical examinations and disability benefits counseling, removing information-sharing barriers, and requiring greater cooperation between the VA and the DOD in tracking disabilities resulting from occupational exposure to hazardous materials.

Finally, the S. 13 that has been introduced will enact a new GI bill for the 21st century. I hope again all of our colleagues will sign on to this legislation so we can put our words and our reality behind a promise that has been made to the men and women who serve us in this country.

I think this is an extremely critical area and a crisis when we look out across the country at the thousands of men and women who are serving who are going to be facing already long lines at VA hospitals, already decreased services, for whom we need to make sure of mental health services as quickly and efficiently as possible so we do not see later complications in their families, in their communities, or in their own worklife.

Yesterday, the President put out his $80 billion supplemental for the Iraq war. I will, of course, support that supplemental. It is absolutely critical that we make sure those who are serving us have the training, the equipment, and the supplies they need to do what we have asked them to do abroad for all of us, but it is equally important that we keep the promise to them when they

come home. So when that supplemental comes before the Senate I intend to offer an amendment, along with Senator AKAKA, the ranking member on the Veterans' Committee, to add $2 billion to the supplemental to make sure our veterans get the services they need.

We cannot rely on rhetoric. We cannot rely on empty promises. We need to make sure that the part of the commitment we have when we go to war includes taking care of those men and women when they return home.

These proposals are not about growing the size of the Government. They are not about expanding what we owe. It is about keeping a promise. It is about living up to the promises we have made to those who have given so much to all of us. Our veterans deserve the best from us. S. 13, this legislation I just talked about, works to make sure those goals become a reality. We have a tremendous responsibility and we have a great opportunity in this Congress to keep the promise President Abraham Lincoln made 140 years ago, and that is to care for the veteran who has borne the battle, his widow and his orphan. Those words ring as true today as they did 140 years ago, and I intend in every way I can, both in my work on the Veterans Committee, my work on the Appropriations Committee, and my work on the floor, to keep the promise we gave to those who are serving us to make sure they are taken care of when they return home.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Arizona.

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

The PRESIDENT pro tempore. The minority has 8½ minutes. The majority has 22½ minutes. We are in morning business.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak for 4 minutes as in morning business.

The PRESIDENT pro tempore. We are in morning business.

NOMINATION OF CONDOLEEZZA RICE

Mr. MCCAIN. Mr. President, I rise to support the nomination of Condoleezza Rice as Secretary of State. Dr. Rice has served the President with distinction over the past 4 years as National Security Adviser, and I have complete confidence she will bring the same talents, energy, and vision we have witnessed thus far to her new job at the State Department's helm.

In many of her recent remarks and those of President Bush, Dr. Rice has emphasized the promotion of freedom and democracy as a hallmark of American foreign policy. Not only has Dr. Rice made democracy a centerpiece of her time at the White House, but also her life itself illustrates the final triumph of true democracy at home.

Dr. Rice grew up in Birmingham, AL, in the heart of the segregated South. She has spoken movingly about her memory of the 1963 church bombing in her hometown. One of the innocent little girls who died there was a friend of hers.

Dr. Rice grew up in a time and place where America's founding ideals had not yet become reality for all of our citizens. The United States, a country built on the idea of freedom, was not yet a full democracy.

Perhaps it was this experience that led Dr. Rice to make the study and practice of political systems her life's work. After receiving her Ph.D. at the University of Denver, she joined Stanford University and quickly became identified as one of the world's leading scholars of the Soviet Union. We all know of her distinguished career since then.

Dr. Rice has the confidence of the President of the United States. Dr. Rice has the confidence of the majority of this Senate. We know, as many of her critics have admitted on this floor, she will be easily confirmed.

So I wonder why we are starting this new Congress with a protracted debate about a foregone conclusion. It cannot be for a lack of priorities because we surely have enough on our legislative plate this year. It can't be because Dr. Rice has suggested she has some flaw so fundamental that the Senate must block the President's choice. I can only conclude we are doing this for no other reason than because of lingering bitterness at the outcome of the elections.

We need to move on. The people of the United States made their choice last November and they expect their elected officials to govern accordingly.

When President Clinton was reelected for his second term, I didn't share the policy views of some of the officials he nominated, but I do not recall going through protracted battles such as this. We all have varying policy views, but the President, in my view, has a clear right to put into place the team he believes will serve him best.

I believe this Nation is honored by the presence of Dr. Rice, by what she represents, by what she has achieved, and I believe she will be an enduring role model to all Americans, particularly Americans who are not of the majority in race in our country.

I believe Dr. Rice is a living example of what can happen in America. From a beginning in a segregated South to the Secretary of State of the most powerful nation in the world is a great American success story. I hope all my colleagues, at the completion of this overwhelming vote in favor of her confirmation, will celebrate this great American success story and all of us will look forward to her leadership of the Department of State, and working with her here in the Halls of Congress.

I yield the remainder of my time. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I understand we are in morning business and I have about 18 minutes; is that accurate?

The PRESIDING OFFICER. The Senator has 17 minutes 15 seconds.

OUR LOSS IN IRAQ TODAY

Mr. BROWNBACK. I have an introduction of a bill I wish to talk about, but first I want to express our sympathy to the families of those who were lost in Iraq within the last 24 hours. There was a helicopter crash that took place. As I understand from the early news, 31 marines were killed in that helicopter crash. There were several other deaths in the last 24 hours leading up to this election in Iraq that takes place on Sunday. If we recall, there has been an increased level of violence taking place. We don't know the cause of this helicopter crash that took place, but we do know there was significant loss of life.

Our hearts and our prayers go out to the lost soldiers who stand in harm's way as we seek democracy, liberty, and freedom for the people of Iraq. Our heartfelt sympathies to the families, and our deepest dedication and devotion to those who continue to serve who are in harm's way.

I ask unanimous consent, Mr. President, that it be in order for us to take a moment of silence and prayer for those who have just lost their lives in Iraq.

The PRESIDING OFFICER. Without objection, we will have a moment of silence.

(Moment of silence.)

UNBORN CHILD PAIN AWARENESS ACT

Mr. BROWNBACK. Mr. President, these are difficult times but they are also times of opportunity. We will face on Sunday, with the vote in Iraq, difficulty, but also a time of opportunity for people to know democracy and freedom who have never known it before. Freedom, however, always comes at a price. We are paying for this opportunity for freedom with loss of life from our own country. Yet democracy and freedom is something for which we have fought for over 200 years.

I rise today to speak about something else we need to fight for. I speak of one of the most difficult debates we have had to discuss in this country: it is the debate on the issue of life and the moment that life begins. I am introducing today, with over 30 cosponsors, a bill that speaks to this critical issue. It is S. 51, the Unborn Child Pain Awareness Act. It has 31 cosponsors. This legislation, I believe, is strongly pro-woman, pro-child and pro-life, and

it will help in the creation of a culture of life in America.

The Unborn Child Pain Awareness Act is about empowering women with information. It is also about respecting and treating the unborn child more humanely. This legislation is, at heart, an informed consent bill, which would do two simple things:

First, it would require abortion providers to present medical, scientific information to a woman, who is seeking a late-term abortion, about what is known regarding the development of the unborn child inside of her womb.

Second, should the woman desire to continue with the abortion after being presented with this information, the legislation calls for her to be given the opportunity to choose anesthesia for the unborn child in order to lessen its pain.

No abortion procedures would be prohibited by the Unborn Child Pain Awareness Act. It is an informed consent bill.

I do not believe that anyone in this esteemed chamber thinks that women should not be fully informed. I believe, along with a majority of Americans, according to all the polls of which I am aware, that women have the right to know what their unborn child experiences during an abortion. Most Americans believe that women are capable of processing information, even when faced with a crisis pregnancy.

In fact, according to a Wirthlin Worldwide poll conducted after the November election, 75 percent of respondents favored:

> laws requiring that women who are 20 weeks or more along in their pregnancies be given information about fetal pain before having an abortion.

After being presented with the medical and scientific information on the development of the unborn child 20 weeks after fertilization, the woman is more aware of the pain experienced by the child during an abortion procedure, and more equipped—at the very least—to make an informed decision. It is simply not fair for a pregnant mother to be uninformed.

In the proposed legislation, we have settled on a 20-week benchmark because there is a strong medical and scientific knowledge that unborn children feel and experience pain by 20 weeks after fertilization.

Looking over the data—and I am certainly not a doctor—but it seems reasonable to me that unborn children actually feel pain weeks earlier, but we chose the 20-week benchmark as a point on which more scientists and doctors can agree. At some point, perhaps Dr. Coburn—a new member who is a physician who has delivered thousands, of babies, one of this bill's cosponsors—might further enlighten us on this subject based on his extensive experience.

How do we know that unborn children can feel pain? We know that unborn children can—and do—feel pain thanks to great advances in medical technology. Unborn children, experience pain as evidenced by anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults. We have Dr. Sonny Anand's Expert Report for the Partial-Birth Abortion trials, that were made part of the Federal Court record.

Of course—though perhaps less scientific—any mother can tell you her unborn child can feel. The little unborn child most certainly feels and responds to stimuli from outside the womb. Sometimes a voice will cause the unborn child to stir. And usually, at some point in the late second trimester, even the father can feel and see the unborn child's movements. And if you push the unborn child's limb, the limb may push back. I have happy memories of this with my wife and our children.

All along, women have been able to feel the child inside of them, but now, science is telling us exactly what the child inside of his or her mother can feel. We now know that unborn children can not only feel, but that their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

Think about the pain that unborn children can experience, and then think about some commonly used abortion procedures. Of course, we have heard about Partial-Birth Abortion, but also consider the D&E abortion.

During this procedure, commonly performed after 20 weeks when there is medical evidence that the child can experience severe pain, and we have a chart of this that I will show, the child is torn apart limb from limb. Think about how that must feel to a young human. We would not allow an animal to be treated this way. Yet, the creature we are talking about is a young, unborn child.

Women certainly have a right to be given the facts about the baby growing inside of them. Armed with these facts, women then have the opportunity to make a more informed decision.

Should the woman continue with the late-term abortion, she ought to have the option of anesthetizing the unborn child before it undergoes a painful termination of its young life.

This should not be a Republican or a Democratic issue. This should be a human issue.

The Unborn Child Pain Awareness Act offers us a rare chance to transcend the traditional political boundaries. It is a matter of human decency.

It is my hope that this bill will offer us a chance to work across political divides to forge new understandings in this Chamber.

I think that we can all support giving women more information when they are making life-altering decisions.

A recent Los Angeles Times—December 23, 2004—article offers a glimmer of hope in this regard. The article notes that:

> [Democrats] are looking at ways to soften the hard line [support for abortion-rights], such as promoting adoption and embracing parental notification requirements for minors and bans on late-term abortions.

Adoption and parental notification for minors are issues, on which I hope we can work together. Perhaps we can begin with this measure: The Unborn Child Pain Awareness Act is not a ban on late-term abortions, but it is a measure that would provide a wonderful opportunity for us to work together on an issue that is pro-woman, pro-child, and pro-life. It is creating a culture of life.

I want to take a few of the minutes I have to describe a procedure that takes place on a post-20-weeks-of-age gestation child, described here on this chart. There may be people who may not want to look at this. I would offer that they not, if they choose not to, but I think it is important they have this information.

We are talking about a D&E procedure at 23 weeks performed on an unborn child. It is important to note that the legislation that I have introduced today does not ban this procedure or limit it in any way; this legislation simply says that a woman needs to be informed about the pain the child in her womb would experience if she undergoes that procedure, and be given the option to offer the child in the womb anesthesia in the procedure of the child being pulled out of the womb, as you can see in this diagram.

I want to get some expert testimony that was provided at the partial-birth abortion trials.

This was information submitted by Dr. Sonny Annand at the trial about the nature of the pain the child experiences.

I held hearings in the Senate Commerce Committee about in utero surgery. The surgeon talked about having to chase the child around in the womb somewhat to give it its shot to anesthetize the child because the child didn't want the needle to go into its buttock. He described how the child was constantly moving around to avoid the needle. That made perfect sense to me, having children who do not like to get shots. I don't like shots. And the child would move around.

But it also heightened my awareness—that if you go through this abortion procedure, what does the child feel at that point in time? It doesn't want to get a shot in its rear end. What does it feel when it goes through a procedure like this?

This was reported by the Associated Press at the trials last year, April 4, 2004. Dr. Sonny Annand said:

> Abortion would cause severe and excruciating pain to 20-week-old fetuses.

There is now scientific information about the increase in the heart rate of the child when a procedure like this is taking place, the increase in the physiological trauma that indicates somebody going through excruciating pain. And while you can't hear the child in

the womb—it can't scream—it has a silent scream, nonetheless it is showing all the time the physiological nature of going through excruciating pain.

I have another chart to put up here to illustrate this point as well. This is from the same physician. Dr. Annand says:

The fetuses show increased heart rate, blood flow and hormone level in response to pain.

This is how you and I, adults, respond to pain, although the difference for us is we have less pain receptors per square inch, and we also have developed a part of the brain that holds down or suppresses pain. So actually we feel less pain because of the way our brain is further developed. But the child feels more pain.

This issue is something I think most of us would probably choose to ignore, if we could, and say ''let's just not talk about it.'' But when this is going on and you know about it, how can you ignore it? It would be like us saying, about some of the tragedies in our history, I just do not want to know about it. Just do not tell me about it. I would rather be ignorant. Yet today we cannot deny the scientific information.

Here is a picture of a child in the womb. I do not know the age of this child. But can you deny the humanity of this child?

I have a coin given to me yesterday from a Croatian, a gentleman from Croatia that I want to show you has the same picture of this unborn child imprinted on this coin minted in Croatia. They just ask basically on the coin, as you can in the picture, how can you deny the humanity of this child? If that is the case—and if you dismember this child in a late-term abortion, how can you deny the humanity of this child and the pain it experiences? We know physiologically because of the scientific advances taking place what this child experiences. How can you ignore scientific evidence and say it is simply not taking place, or I just do not want to see it, which was unfortunately typically done too often in our past. But the facts seem too horrific for us to look at. We have seen recently in places around the world the horrific suffering. Many times we just want to say: Don't show it to me. I don't really want to see it. Yet it can't be denied. It must be confronted. The sooner it is talked about, the sooner it will be addressed.

Let us have a lively debate. If people don't believe the child is experiencing pain, come forward with the scientific information. It would be counter to all common experience of women in pregnancy at that 20-week stage or later. It would be counter to all the current scientific information. Bring it forward. Let us have a lively debate about this. This bill does not ban any abortion procedure. It simply is an informed consent bill that women deserve to know about.

It is my hope that once a woman receives this information she would decide to go ahead with the pregnancy and have the child. If she looks at her situation and believes it is just too difficult to continue to care for the child, she could put the child up for adoption. There are millions of families who would love to provide a loving home for a child. No matter what the difficult circumstance, they would love to adopt; but perhaps she would choose to make her child go through this procedure. What if she decided to go through the procedure, and then later found out through scientific evidence that she put her child through this pain and had to live with that in her life. We have women coming forward now in the Silent No More Campaign—women who have had abortions who have for years afterwards—decades afterwards—struggled with the thought of having an abortion. They say: My goodness. How could I do that to my own child in the womb? They are saying women deserve better. They have struggled with this for years and are now coming out with it; receiving the sympathy which they deserve for having gone through something at a very difficult time in their lives.

This bill will be introduced in both Chambers today. It is an important piece of legislation. It is one which I hope we can move forward with aggressively. If there is evidence on the other side, I would welcome it coming forward. Let us have this debate, but let us not ignore it any longer.

Thank you, very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority side has 40 seconds remaining.

The Senator from Virginia is recognized.

ORDER OF PROCEDURE

Mr. ALLEN. Mr. President, I would like to speak later in commending Senator BROWNBACK on his legislation. I am proud to be a cosponsor of it. I think it is a reasonable moderation on the excesses of abortion. I commend him for his leadership. I will speak on the Rice nomination later.

I was asked to propound this request:

I ask unanimous consent that during the hour of debate on the Rice nomination, time on the Democratic time be divided as follows: Senator BIDEN, 20 minutes; Mrs. BOXER, 5 minutes; Mr. LIEBERMAN, 5 minutes, which was originally reserved for Senator BYRD.

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

Mr. ALLEN. I further ask unanimous consent that the order of speakers remain divided under the previous order.

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

Who yields time?

NOMINATION OF CONDOLEEZZA RICE

Mr. ALLEN. Mr. President, I understand that the Democratic side has yielded their time.

Mr. President, we are going to be in the final debate on the nomination of Dr. Rice. Yesterday, I asked my colleagues to be careful in their criticism. The position of Secretary of State is the voice and the advocacy of the policy of our country. We need to have a unity of purpose for the advancement of freedom. If people want to criticize some things, they should come up with positive, constructive ideas so as not to diminish the credibility of our Secretary of State.

What I saw yesterday on the floor—and to some extent in the Foreign Relations Committee—that the confirmation proceeding of Dr. Rice is evolving into an overly partisan attack. I found out later yesterday evening that some of the attacks have really gone overboard. We heard about accountability—accountability for the prosecution of the war on terrorism, whether in Afghanistan or in the Iraq theater. The accountability was really determined by the people of this country with their votes for President George W. Bush to be reelected as President.

However, we have heard from some on the other side of the aisle a continuation of their campaign arguments, whether here on the floor or in committee.

There has been for years a very logical approach that in times of war, when we have our troops in harm's way overseas, in precarious and dangerous positions with their boots on the ground, that partisan politics ends at our waters' edge. We have heard that. When troops are abroad, partisan politics ends at our waters' edge.

Unfortunately, that time-honored, respectful practice has been breached. Even worse than the outrageous statements in these serious times is we find that statements are being used for political posturing—but even worse, political fundraising. We have heard the arguments made in the sense that Oh well, this is advice and consent. This is from a fundraising letter based upon the argument and opposition to Condoleezza Rice. The fundraising letter from the DSCC sent to DSCC friends, talks about how the Senate must take its advice and consent role during the confirmation process. Advice and consent is fine. That is to be allowed, but advice and consent doesn't mean politicking and soliciting funds.

That is exactly what has happened, in a very, and in my view, harmful way in some of the debate. It harms and diminishes the ability of our Secretary of State, Dr. Rice. She has great credibility, and I think she will still have great credibility. But there is going to be the question: Gosh, some in the United States don't think she is up to the task.

There have been certain personal attacks.

But to try to solicit political contributions from such damaging rhetoric, in my view, is deplorable; it is dangerous; and, it is disgusting.

Here is how they end the letter. This is signed by the junior Senator from

California. It ends with this reference to the Rice nomination—assertions and allegations about Dr. Rice.

So while I raise my voice on the Senate floor, I hope you will join us on the campaign trail and the loudest message of all, one that all Republicans will not be able to ignore, unseating them in the midterm elections and sending more Democrats to the Senate.

Several times through this letter, it says contribute to the DSCC.

It is fine to have a debate. There should be the concept of advice and consent, but it ought not to be soliciting and politicking. Clearly to be using something as serious as the nomination and confirmation of our Secretary of State to solicit campaign fund is particularly deplorable, especially during our global war on terror when we are trying to get more allies and friends to join with us.

I hope as we get to this vote in about one hour that this sort of political chicanery, political maneuvering and solicitation of funds, and using something as important as this nomination will cease and desist.

I thank you, Mr. President, and my colleagues for allowing me this time to say this.

I hope my colleagues on the other side of the aisle will rein in this sort of behavior. I don't want to say each and every one of them condones it, but it is deplorable behavior that must cease.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CONDOLEEZZA RICE TO BE SECRETARY OF STATE

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 4, which the clerk will now report.

The assistant legislative clerk read the nomination of Condoleezza Rice, of California, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be allocated in the following order: The Senator from Indiana, Mr. LUGAR; the Senator from Delaware, Mr. BIDEN; the Senator from California, Mrs. BOXER; the Senator from Connecticut, Mr. LIEBERMAN; the Senator from Nevada, Mr. REID; and the Senator from Tennessee, Mr. FRIST; with the last 5 minutes reserved for the Senator from Indiana or his designee.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I have the pleasure and the honor to commend the nomination of Dr. Condoleezza Rice. Soon, the Senate will carry out its constitutional duty to provide advice and consent on President Bush's nominee for the office of Secretary of State. We will be participants in an historic moment that will reaffirm the Senate's role in foreign policy and underscore the brilliance of the constitutional design.

Last week, the Committee on Foreign Relations held exhaustive hearings on this nomination. Dr. Rice fielded questions on dozens of subjects for more than 10½ hours over 2 days. All 18 members of the Committee took advantage of the opportunity to ask Dr. Rice questions. At the hearings, she responded to 199 questions—129 from Democrats and 70 from Republicans. In addition, in advance of the hearings, members of the Committee submitted 191 detailed questions for the record to Dr. Rice. Members received answers to each of these questions. Thus, Dr. Rice responded to a total of 390 questions from Senators. In American history, few cabinet nominees have provided as much information or answered as many questions during the confirmation process. She demonstrated that her understanding of U.S. foreign policy is comprehensive and insightful.

Our hearings and yesterday's floor action served not only as an examination of Dr. Rice's substantial qualifications, but also as a fundamental debate on the direction of U.S. foreign policy. This debate was useful to the Senate and to the American people. Having the opportunity to question a Secretary of State nominee is a key aspect of Congressional oversight of any administration's foreign policy. Dr. Rice enthusiastically embraced this function of the hearings.

In my judgment she is extraordinarily well-qualified to become Secretary of State. Even Dr. Rice's opponents have taken the time to admire her accomplishments and her qualifications. She is a person of conviction, loyalty, integrity, and ability. As a result of her distinguished service as National Security Advisor to President Bush and her earlier assignments on the NSC, she is well known to many Members of the Senate. We have observed her energy, her expertise, and her devotion to this country. I appreciate the cooperation that she has provided to the Senate Foreign Relations Committee and to me personally.

I had the good fortune to visit Dr. Rice before she assumed the post of National Security Adviser. Before President George W. Bush was elected, I participated with Dr. Rice at Stanford University meetings on foreign policy hosted by former Secretary of State, George Shultz. Secretary Shultz, a close friend of many in the Senate, was an early supporter of then Governor Bush. He recognized Dr. Rice's prodigious talent and encouraged her leadership within the Bush foreign policy team. At the Stanford University meetings, Dr. Rice demonstrated analytical brilliance and broad knowledge of world affairs. During the 2000 Presidential campaign, she established a trusted relationship with Governor Bush that has carried through in her work as National Security Adviser.

The enormously complex job before Dr. Rice will require all of her talents and experience. American credibility in the world, progress in the war on terrorism, and our relationships with our allies will be greatly affected by the Secretary of State's leadership and the effectiveness of the State Department in the coming years. We recognize the deep personal commitment necessary to undertake this difficult assignment, and we are grateful that a leader of her stature is willing to step forward.

Opponents of the nomination have focused primarily on individual statements made by the nominee during her tenure as National Security Adviser. I simply observe that Dr. Rice has spent 4 years in one of the most intense crucibles of leadership imaginable. The scrutiny that National Security Advisers must live under is unrelenting, and their responsibility for foreign policy outcomes often is exceeded only by the President, who makes the final decision. Dr. Rice has been in the arena making tough decisions and answering tough questions on a daily basis for 4 years. I do not remember any National Security Adviser who did not have bruises to show for stepping into this arena. The attachment of controversies to a National Security Adviser is inevitable. Even as Senators scrutinize Dr. Rice's record, we must not fail to recognize the level of sacrifice, courage, and discipline that is required to be National Security Adviser. Her proven fortitude in meeting these challenges and in sustaining herself physically and mentally through the pressures of responsibility is impressive.

Dr. Rice is not just a survivor. Even under intense pressure, she has performed her duties successfully with thoughtfulness, fairness, and magnanimity. These are exactly the qualities that we want in our top diplomat. And these qualities already have produced results. Dr. Rice has contributed to numerous policy successes in the Bush administration. These successes have involved issues as diverse as our nonproliferation policies, our campaign against global AIDS, and reform of our post-conflict stabilization and reconstruction mechanisms. Befitting the role of National Security Adviser, she has not been in the limelight claiming credit for successes. Instead, she has performed without ego, while preserving the trust of the President. This close relationship will serve her well at the State Department.

The Secretary of State serves as the President's top foreign policy advisor, as our Nation's most visible emissary to the rest of the world, and as manager of one of the most important Departments in our Government. Any one of these jobs would be a challenge for even the most talented public servant. The Secretary of State, at this critical time in our history, must excel in all three roles.

From my own conversations with Dr. Rice, I am confident that she understands that the President's foreign policy can be enhanced in the second term by a closer working relationship with Congress. In moving to head the State Department, she understands that much of this communication will depend on her. Last week's hearings were an excellent start. Her attitude throughout these arduous hearings was always accommodating and always respectful of the Senate's Constitutional role in the nomination process. From the beginning she made clear her desire to have a wide-ranging discussion of U.S. foreign policy and to take all the questions that members wanted to ask.

If confirmed, it will be her duty to use the foundation of these hearings to build a consistent bridge of communication to the Congress. As legislators, we have equal responsibility in this process. We have the responsibility of educating ourselves about national security issues, even when they are not the top issues in headlines or polls. We have the responsibility to maintain good foreign affairs law, even when taking care of this duty yields little credit back home. We have the responsibility to ensure that our first impulse in foreign affairs is one of bipartisanship. And we have the responsibility to speak plainly when we disagree with the administration, but to avoid inflammatory rhetoric that is designed merely to create partisan advantage or settle partisan scores.

We have the opportunity with the beginning of a new presidential term to enhance the constructive role of Congress in foreign policy. We have made an excellent start during the past week. I thank all 19 Senators who participated in the Foreign Relations Committee hearings and all 22 Senators who have joined in the floor debate. I urge Members to vote in favor of the nomination of Dr. Rice to be Secretary of State.

I yield the floor and suggest the absence of a quorum, and I ask that the quorum count equally against both sides of the aisle.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time is allotted to the Senator from Delaware on the Rice nomination?

The PRESIDING OFFICER. The Senator is allotted 20 minutes.

Mr. BIDEN. Mr. President, I rise today to support Dr. Rice's nomination to be Secretary of State. I don't do it as fulsomely as I rose to support the nomination of the previous Secretary of State. I will explain why.

I believe the President of the United States is entitled to his Cabinet unless the person he selects is so far out of the mainstream, incompetent, clearly of questionable character, or, as some in the past have been, dedicated to the express purpose of dismantling the very agency to which they were being assigned, such as President Reagan—as my mother would say, God love him—who wanted to do away with the Department of Education and assigned two people to be the head of the Department of Education for the express purpose of eliminating an agency that I thought needed to remain, or in the special case when the office calls for an unusually different relation, as the Attorney General does. The Attorney General does not work for the President. He is the people's lawyer. He is hired by the President, but he or she is the people's lawyer and, in the worst of all cases, sometimes required to investigate the President himself and in the best of cases is required to interpret the constitutional laws of the land.

I very reluctantly voted against Attorney General Gonzales's nomination to be Attorney General because I believe he has so wrongly interpreted law on torture and did such great damage as a consequence of that decision. There were significant consequences. There is a fundamentally different relationship and a fundamentally different constitutional obligation. It is his judgment that I question, and I currently believe he should not be Attorney General.

Dr. Rice does not fit in any of those categories. I have known and worked with her for the past 4 years. She is knowledgeable, she is smart, she is honorable, and her relationship with the President is essentially to be the public face of the President of the United States here.

As the ranking member of the Foreign Relations Committee, I have a special responsibility to work with Dr. Rice, so I am going to vote for Dr. Rice, but I am going to do so with some frustration and reservations. Let me explain why. I have said this to Dr. Rice, so she is not hearing this for the first time.

Last week, we gave Dr. Rice an opportunity to acknowledge the mistakes and misjudgments of the past 4 years. The point is not to play the game ''gotcha.'' It is not about embarrassing the President. It is about learning from our mistakes so we do not repeat them. A second term is also a second chance.

Instead of seizing that opportunity, Dr. Rice stuck to the administration's party line: Always right; never wrong. It is as if acknowledging mistakes or misjudgments is a sign of weakness. I do not think it is. I think it is powerful evidence of strength and maturity.

But during the hearing, Dr. Rice claimed that my colleague, BARBARA BOXER, was impugning her integrity when she asked about her changing rationale for the war in Iraq.

Now, I wish instead that Dr. Rice had acknowledged the facts. This administration secured the support of the American people, and of Congress, for going to war based on what it insisted was an imminent threat posed by Iraq's weapons of mass destruction.

Now, when it turns out there are no such weapons, Dr. Rice and the President claim the war was now about removing a dictator. I am glad Saddam is gone. He deserves his own special place in hell, but removing him from power was not the justification initially offered by this administration to go to war. Again, it is an example of what BARBARA BOXER was talking about: a changing rationale for war. Why Dr. Rice would not acknowledge that is beyond me.

Reading the resolution that Congress passed giving the President the authority to use force if necessary, it was about ''disarming'' Saddam. And reread the words of the President and other senior officials. In speech after speech, television appearance after television appearance, they left the American people with the impression that Iraq was on the verge of reconstituting nuclear weapons. In fact, Vice President CHENEY said they already had them.

The administration left the American people with the impression, even today, that Saddam had other weapons of mass destruction, and that he was complicit in the events of 9/11 and that he collaborated with al-Qaida—I assume collaborated with al-Qaida for purposes of the 9/11 attack. Back then the administration liked to claim that President Bush never said Iraq was ''an imminent threat.'' Well, this is what he and other senior officials did say. They referred to it as an ''immediate threat,'' a ''mortal threat,'' an ''urgent threat,'' a ''grave threat,'' a ''serious and mounting threat,'' a ''unique threat.'' And it would be funny, the denial that they did not say ''imminent threat'' if it were not so deadly serious.

This is my point: Especially in matters of war and peace, we have to level with the American people if we want not only to secure their support but to sustain their support.

My poor colleagues are tired of hearing me say, for the last 2 years, the following: No foreign policy can be sustained without the informed consent of the American people. And this administration has been very reluctant to keep them informed. Informed means all the information and a truthful rendition of the balance of the information they have.

During the time I was criticizing President Bush for his assertions about aluminum tubes and his administration's assertions about other things, the press kept saying to me: Why won't you say the President is a liar? He was not lying. But what the President did—he got the intelligence, as we did on the committee. We can argue whether a minority or a majority, but a significant number of the intelligence assets in the U.S. Government said: We think those aluminum tubes are or could be used for gas centrifuges. A significant number said: No, they are not used for that. They are for artillery.

Well, my criticism of the President was not that he, in fact, chose to believe that portion of the intelligence community which said they were used for gas centrifuge systems, which is needed to build a nuclear capability and if you are going to use uranium; my problem with it was, both he and Dr. Rice implied there was no dissent, that this was the view of the intelligence community, when it was not. There was, at a minimum, a significant dissent both in Energy and at the CIA, and other places. So they did not lie. They chose to pick the portion—I am not saying they did it for any reason other than they believed it, but they chose to pick the portion of the intelligence community's assessment which fit with their objectives, without ever mentioning, acknowledging, or suggesting there was any dissent within the intelligence community.

I love my colleagues now who keep saying: Don't blame it on Rice. Don't blame it on Gonzales. Blame it on the intelligence community. I think our former Director of the CIA is getting a bad rap here.

The fact is, we have to be honest with ourselves and the world; otherwise, we are going to do terrible damage to our most valuable asset, our credibility. After Iraq, it is going to be much harder to rally the world to our side if we have to face a truly imminent threat to our security from, say, Iran or North Korea.

The same goes for the way Dr. Rice answered my questions about training Iraqi security forces. Time and again, this administration has tried to leave the American people with the impression that Iraq has well over 100,000—as high as 120,000; or I think there was even a higher number offered—of fully competent police and military. They don't say fully competent; they say trained.

Now again, it is like that story I have told. We Catholic kids go to Catholic school. We learn to go to one of the Sacraments in the Catholic Church, Penance. You go to confession. They explain to us that when we go to confession, we should confess all our sins. My nuns told me the story about Johnny, who said to the priest: Bless me father for I have sinned. I stole a gold chain. And he failed to tell the priest that attached to that gold chain was an antique gold watch. He did not lie. He stole the chain. But when you say what you did, you should say all of what you did.

Failure to acknowledge, as my grandfather used to say, the ''hull'' of it, failure to do that is, at a minimum, misleading—at a minimum, misleading. That is what has happened here.

So 120,000 troops trained. There may be 120,000 people who we put uniforms on—and I will not go through it in the limited time I have; I will submit for the RECORD the facts as I believe them based on talking to our military and police trainers—but the real question is, How many American forces doing the job of policing the streets, going after insurgents, guarding the borders, whatever functions we are now providing, how many of those could be replaced with an Iraqi now? I think the number is closer to somewhere between 4,000 and 18,000.

Now, the good news—when I asked the question, I thought she would say we have made mistakes. We went for quantity not quality. We realize we had to fundamentally change our training programs. We brought in General Patraeus, who is a first-rate guy. He is well underway of doing that—which he is—and we are going to get it right. But, no, we have 120,000 trained forces out there.

Well, the fact is, we are months, if not years, from reaching the target we need of putting uniformed soldiers, uniformed cops, and uniformed National Guard with Iraqi uniforms into Iraq.

The bottom line is, we should focus on real standards, not raw numbers. To my mind, there is a real simple standard. An Iraqi soldier and policeman should be considered fully trained when he or she is capable of doing the job we are now asking an American young man or woman to do. How many meet that standard today? Nowhere near, as I said, 120,000. In my judgment, it is closer to 14,000 total. Army trained is probably closer to 5,000.

So last week's hearing was a chance for Dr. Rice to wipe the slate clean with the American people and with our allies. I wish she had seized it.

This is not about revisiting the past. It is about how Dr. Rice and the administration will meet the challenges of the future.

I notice, in the defense of Dr. Rice, I no longer hear on the floor disagreements—I don't want to get him in trouble—disagreements with the position taken by my friend, the chairman of our committee, or by my friend, Mr. HAGEL, or Mr. MCCAIN, or myself, or others. I do not hear people saying we have conducted this postwar policy very well. I do not hear anybody defending that. They are now saying, which is good: Hey, wait a minute, I guess we have made mistakes.

Why the administration cannot do that is beyond me. They are not up for reelection again. It would seem to me it would be a way to coalesce support.

In my judgment, America faces two overriding national security challenges in this new century. First and foremost, we must win the struggle between freedom and radical Islamic fundamentalism. Secondly, we must keep the world's most dangerous weapons away from its most dangerous people.

On the latter point, the man we owe the greatest debt of gratitude to on making progress on that score is my friend and colleague, Senator LUGAR, and former Senator Nunn. Senator LUGAR is the guy who is following up on this and the guy forcing us all to face the reality that much more is needed to be done.

To prevail, we have to be strong. We also have to be smart, wielding the force of our ideas and ideals together with the force of our arms.

Today, after a necessary war in Afghanistan and an optional war in Iraq, we are rightly confident in the example of our power. But we have forgotten the power of our example.

Foreign policy is not a popularity contest. We must confront hard issues. Sometimes they require us to make hard choices that other countries do not like. But above all, they require American leadership, the kind of persuasion that brings along others to our side.

We have been having a tough time doing just that the past few years. So despite our great military might, in my view, we are more alone in the world than we have been in recent memory. As a result, we are much less secure than we could or should be.

That is because virtually all the threats we face—from terrorism, to the spread of weapons of mass destruction, to rogue states that flout the rules, to endemic and pandemic diseases—cannot be solely met by the unilateral use of force.

I had hoped to hear from Dr. Rice how she planned to help rebuild America's power to persuade, and to restore our Nation's respect that it once enjoyed. For she said, now is the time for diplomacy. Parenthetically, I think diplomacy was needed 4 years ago. I am happy now is the time for diplomacy.

I also had hoped to hear her ideas for contending with a series of problems the administration has put on the back burner but whose pots are boiling over, such as the nuclear programs in North Korea and Iran, the dangerous backsliding of democracy in Russia, and the genocide in Sudan, to only name a few.

Over the past few years, North Korea has increased its nuclear weapons capacity by as much as 400 percent. It may now have as many as eight nuclear weapons to test, hide, or sell to the highest bidder.

Dr. Rice told us it is ''unacceptable'' for North Korea to have these nuclear weapons, but she did not tell us what that meant or how the administration proposed to stop this growing threat.

Over the past few years, the reform movement in Iran has been crushed and the regime has accelerated its own nuclear program. There may be nothing we can do to persuade Iran not to develop these weapons by diplomacy, but our European allies are trying through a combination of carrots and sticks. They believe they cannot succeed, though, unless the United States engages directly in this effort.

I asked Dr. Rice whether we should be a party to a deal in which the Iranians agreed—if there was a way to verify—that they would stop their attempts to build a nuclear weapon and end their missile program. She said: Well, we have a lot of other problems with Iran.

Of course we do. But our No. 1 problem is the growing danger they will develop nuclear weapons. Our best chance

of stopping that is to work with the Europeans in showing Iran it can get more if it does the right thing, and what it risks if it does not. But we are sitting on the sidelines, in my view. Nothing Dr. Rice said gave me confidence we are really going to get on the playing field.

Mr. President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. BIDEN. Over the past few years, President Putin has reversed the course of democratic development and the rule of law in Russia. The administration has been largely silent. How can we be so concerned about the advancement of democracy in the Middle East and so unconcerned about the regression in Russia?

The President gave a powerful, eloquent inaugural address about expanding freedom around the world. Every American shares that ideal—it goes to who we are as a people, to our experience, and to our interests.

The question isn't the goal, it's how you achieve it. I wonder if the President plans on bringing a signed copy of his address to President Putin when he meets with him next month. I fear that in Russia and many other places, the gap between the administration's rhetoric and the reality of its policies is only going to get wider.

At the same time, we have gotten little in return for turning a blind eye to Russia's regression. One of the most important programs to protect America' security—the effort to help Russia account for, secure and destroy weapons of mass destruction and related materials—has become mired in redtape that the two Presidents need to cut through.

Finally, in Darfur, Sudan we have watched a terrible tragedy unfold. Militia supported by the government have killed as many as 100,000 civilians and chased as many as 2 million from their homes.

Four months ago, before the Foreign Relations Committee, Secretary Powell rightly called it genocide. Since then, the situation has gotten even worse. Yet we heard virtually nothing from Dr. Rice about what the administration and Congress can do, now, to stop this slaughter and to help African allies develop their own peacekeeping capacity.

Let me end with something hopeful that Dr. Rice talked about: putting diplomacy back at the center of America's foreign policy.

That effort is long overdue. Be that as it may, I strongly agree with Dr. Rice that this is the time for a new diplomatic offensive with old allies, rising powers, and even hostile regimes.

But our diplomacy has to be sustained. It has to do as much listening as it does talking. And it has to use all the tools at our disposal.

Our military might is critical. It gives credibility to our diplomacy. And it gives us the most powerful tool in the world to act, if necessary, against dictators who are systematically abusing the rights of their people, or against regimes with no democratic checks that are harboring terrorists and amassing weapons of mass destruction.

But there are many other critical tools that have atrophied under this administration—our intelligence, our public diplomacy, our alliances, international organizations, treaties and agreements, development assistance, trade and investment. We need to wield them with the same determination with which we use force—even if it can be frustrating and even if the payoff takes years, even a generation.

That is what we did after World War II. That is why we prevailed in the Cold War.

Now, faced with a new but no less dangerous set of challenges, we must recapture the totality of America's strength.

Mr. President, I will conclude by suggesting that we are now faced with a new but no less dangerous set of challenges than we were in World War II, and we have to recapture the totality of America's strength.

Above all, we have to understand that those who spread radical Islamic fundamentalism and weapons of mass destruction, although they may be beyond our reach and there is no choice but to confront them and to defeat them, there are still hundreds of millions of hearts and minds around the world who practice Islam who are open to American ideas and ideals, and we have to reach them.

Dr. Rice says she is going to make diplomacy her primary task. I will work with her in that effort.

One of my colleagues said—by the way, I want to note parenthetically that I think it is totally appropriate for Senator DAYTON and Senator KENNEDY and my friend from California to say what they have said, to take the positions they have taken. It is consistent with the facts as they see them. They choose to view one side of the coin. I am viewing the other side of the coin.

One of my colleagues said he is voting his notion that this is going to get worse. I forget the exact phrase my friend from Massachusetts, Senator KERRY, used. Well, it reminded me of a comment by Samuel Johnson who described second marriages as the triumph of hope over experience. Well, I may be guilty in this second term of choosing hope over experience, because my experience thus far with this administration on foreign policy has been very disquieting. My hope is that the new—and I suspect she will be; I hope she will be confirmed—the new Secretary of State will, in fact, play a role in trying to change that policy, engage in diplomacy, and use the totality of our strength, which includes our ideas and our ideals, as well as our military power.

I reserve whatever time I may have and thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Under the previous order, the Senator from California is recognized for 5 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I want to begin today by again thanking Chairman LUGAR and Senator BIDEN, our ranking member, for a very fair debate on the nomination of Dr. Condoleezza Rice as Secretary of State. I know these votes usually go overwhelmingly for the nominee. The last time there was any vote against a nominee, I think the most votes were Kissinger at 7 votes. So I know that what I am doing is not about winning a vote; it is simply about telling the truth as I see it and other Members telling it as they see it.

At the end of the day, when Senators vote, some will be very enthusiastic about the nominee and feel very good about their vote. Others will be a little anxious. I sense with Senator BIDEN, he certainly has anxieties over it, but he is very hopeful. And knowing JOE BIDEN as I do, that definitely fits his character because I think he gave Condoleezza Rice opportunity after opportunity after opportunity to set the record straight, to level with the committee. Senator BIDEN was not on the floor yesterday, but I kind of replayed his give and take with future Secretary Rice on the issue of how many troops were trained, and he was literally begging her to please be candid. It is interesting because after that give and take, which was picked up by the news media, Ambassador Negroponte came into it and said: Clearly, there are not 120,000, but there are more than 4,000.

All this dancing around is not academic because, as Senator BIDEN clearly stated and as we all know, our exit strategy in Iraq is based upon the ability of the Iraqis to defend themselves certainly. We all are working toward that day, but we can't do it if we are not going to be honest about how it is going, and we can't help the administration if they don't level with us as to how things are going.

I found it interesting—and this has nothing to do with this particular nomination—that the White House Chief of Staff called those of us who wanted to debate this ''petty.'' I saw one clip of him saying that the two Senators—he didn't mention the names—who were trying to get this nomination to the Senate floor and have some time to talk about it were ''small.'' I don't think he was talking about my height. That is showing such a disrespect to the American people, as we go around the world trying to bring democracy. It is something we all want to do. We may have different ways of going about it, but we want to do it. How do we stand tall if we don't uphold our Constitution? Our Founders believed it was crucial for the Senate to play a strong role in the selection of these very important and powerful positions.

Well, thanks to Senators LUGAR and BIDEN, we have done that. I am glad.

The reason I am going to be voting no is clear to anyone who has followed this debate. I asked Condoleezza Rice a series of questions in five different areas. I gave her every opportunity to correct the record. I asked her about her statements that the aluminum tubes Saddam was buying could only be used for nuclear weapons, and she talked about the mushroom cloud and frightened the American people at a time when we know she had the information that there was a very strong dispute going on in the intelligence community and that, in fact, she had known in 2001 about this issue. She refused to budge.

I asked her about her continual statements that al-Qaida and Saddam were close. It was not true. At the time she made those comments, the State Department itself put out a very important map—this was 1 month after 9/11—saying that in fact there was no al-Qaida whatsoever in Iraq. They were nowhere in Iraq. She refused to budge.

I ask unanimous consent that I may have an additional 4 minutes.

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

Mrs. BOXER. I thank the Chair.

I asked Dr. Rice about my concerns in five areas. I don't fault the President for picking someone who believes in this war, who helped him in her position. That is not the issue. The issue has to do with the lack of candor that continues to come from Dr. Rice.

As recently as a few months ago she wrote a letter which resulted in a very important amendment in the Intelligence bill being stripped from that bill. This was a bill by Senators MCCAIN and LIEBERMAN, and this provision was written in part by Senator DURBIN. It was an antitorture provision. She opposed it. She wrote that she opposed it. When I asked her about it, she denied that she opposed it, when she had opposed it in writing.

I know there are other Senators coming to the floor of the Senate and saying this argument doesn't hold because she made statements that came from faulty intelligence. If that were the case, I would have no problem with Dr. Rice. Everybody knows there was faulty intelligence. But she continues to put out these misstatements. As a matter of fact, in front of the committee, if one listened closely, she muddied the waters even more. So I gave her the chance to clear it up, and she didn't. That is bad for the Senate. It is bad for the American people.

Dr. King said—and I often repeat it—our lives begin to end the day we become silent about things that matter. This debate mattered. Responsibility matters. Accountability matters. It matters when you give someone a chance to correct the record that is replete with half-truths and misstatements, and they don't take that opportunity.

Dr. Rice is a role model. She is smart. She is intelligent. She is qualified. She is loyal to this President. I don't question any of that. All of that makes everyone proud. The fact is, it would have been very condescending and inappropriate to have someone as skilled as Dr. Rice before a committee, someone as involved in setting the course of this war as Dr. Rice before the Foreign Relations Committee, and not ask her the kind of questions we all did.

I don't know whether we will have two votes against this nominee or four or seven or eight. I really don't know because I haven't asked one colleague how they are going to vote. This has not been the point of what I have done. I have simply tried to say that holding people accountable is important, that this war matters, that we need to look at the mistakes of the past so we don't repeat them, so we don't send our young people into another war based on hyped-up rhetoric and half-truths.

I thank my colleagues all and again say to my chairman how much I appreciate him. I look forward to moving past this on to the other work of our committee and the other work of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, yesterday I came to the Senate floor to announce my support for the nomination of Dr. Rice to be our Secretary of State and explained why I thought she was more than qualified to take on this critical position at this critical stage in our Nation's history. In the time and the hours that followed, several of my colleagues came to the floor and announced that they would not support this nomination and explained why. I wanted to return very briefly this morning to simply say that I considered the arguments made against her nomination and they do not alter my conclusion that Dr. Condoleezza Rice is more than qualified to be Secretary of State at this time in our Nation's history.

Some of the criticisms of the administration's policy, particularly post-Saddam in Iraq, I agree with. Others about Dr. Rice personally, I vehemently disagree with. But as I see our role here in advising and consenting, the question is not whether we agree with everything the nominee has ever done or said but whether the nominee is qualified to be Secretary of State. This nominee is more than qualified.

Implicit in this, of course, is that the President has won the right, by virtue of his election, to have around him people who have his confidence. This nominee certainly does.

Secondly, I want to make a statement about how I read the criticisms that have been expressed. They are all about the past, either about past behavior of Dr. Rice or, more particularly, about past administration judgments or actions with regard to foreign policy generally and particularly about the war in Iraq. I want to make clear that I don't hear criticisms about where we are now or where we should go in the future. It is important that the American people understand that but more important that our friends and foes in Iraq, throughout the Islamic world, and the world generally understand that. There is not substantial dissent in the Senate of the United States about the policy we are following in Iraq today. It is to train the Iraqis to better secure themselves. It is to give them the opportunity, which they will exercise bravely and I believe successfully this Sunday, to elect their own leaders. It is to invest in their own economic well-being so they can create a model within the Arab world of not only a self-governing state but a modernizing state connected to the modern world.

I have listened to my colleagues who oppose this nomination, and I have spoken to them off the floor. I want to make clear to people around the world, there is not a single one of these colleagues who wants us to cut and run from Iraq. There is not a single one of these colleagues who does not fully support our troops there. I want our troops to understand that. There is not a single one of these colleagues who is not supportive of the election this Sunday and hopeful that people will turn out in large numbers. There is no question about which side we are on. We are on the side of the people of Iraq, struggling bravely for a better future, and we are against that minority there, composed largely of leftovers from Saddam Hussein and foreign terrorists associated with al-Qaida, who are killers, murderers, fascists, who want to stop 25 million Iraqis from having a better life.

Finally, if my colleagues believe that Condoleezza Rice is not qualified to be Secretary of State of the United States, then, of course, they must vote against her. But if they are—I hate to use the word ''just''—just upset about some of the things this administration has done in Iraq, but if they believe otherwise, that what we are doing now is all we can do to make the situation better, then I appeal to them to vote for Dr. Rice. Give her the benefit of the doubt. In some sense, give the President the benefit of the doubt that I believe the Constitution entitles him. Give America's national interests the benefit of the doubt. Give our soldiers fighting in Iraq the benefit of the doubt.

This nominee has the President's confidence. I want people around the world to know—and I hope with a resounding vote—that though there are disagreements about what the administration has done in regard to our Iraq policy and other elements of foreign policy, that in the final analysis we are together. We are together for what we are pursuing, which is the successful conclusion to our involvement in Iraq and to the spread of freedom and democracy throughout the world.

I thank the Chair and urge a strong vote for Dr. Condoleezza Rice to be our next Secretary of State.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. LUGAR. Will the Chair please recognize Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank Senator LUGAR for finding time for me to express my views to the Senate and to those who might be listening or viewing the Senate proceedings.

I say to Senator LIEBERMAN, I appreciate very much the broad scope of his statement with reference to America and the world, and I thank him for stating his views, which are my views, and I think the views of an overwhelming number of Senators—77 of them who voted for us to proceed with this approach to Iraq.

I think we all know our intentions, regardless of what some may say, are good and that the objective is that something good happen for the people of Iraq and for America and the world.

Having said that, I have been dismayed to hear—not everyone on the other side—but some use words such as ''liar,'' to use words as to this nominee—Condoleezza Rice—that called her a liar, implied she was a liar, who implied the President intentionally misled. I would like to zero in on that for a minute and those who have been putting forth that accusation—I am not talking about those who oppose the war. I am talking about those who say the policy was fraught with intentional misleading information about weapons of mass destruction.

I want to step back and say to my fellow Senators and those listening: What if today we were considering for Senate approval Secretary of State Colin Powell? Just think with me. He is the nominee. He is being reconfirmed for Secretary of State. What would the Senators who were here talking about Condoleezza Rice or our President intentionally misleading, being a liar, implying they had information they withheld, what would they say about Colin Powell?

On a certain day, Colin Powell appeared before the United Nations. Remember that day? February 5, 2003. I remember it. I think millions and millions of people remember it: maps, overviews, a firm statement by him about weapons of mass destruction. Now I ask: Where did he get his information? Was he lying? Did he mislead the American people? Was he intentionally trying to force upon us a policy that was not based upon what he said but that those facts were dreamed up? I believe that neither Senators nor the people of America would believe he was not telling the truth.

My point is, he got his information from exactly the same source that our President did, that the Prime Minister of Great Britain did, that all leaders at that point did, that we the Congress did. The President did not get his information from someplace in the sky, nor did Colin Powell. There was only one source: the accumulation of intelligence by the United States intelligence-gathering institutions. They told our President, Condoleezza Rice, and Colin Powell what was going on, and they all said, what? That there were weapons of mass destruction in Iraq, and that Saddam was a danger—an exceptional danger—because he had weapons of mass destruction.

Frankly, I believe there are those who have become partisan on this issue, and I almost would say, and should say, extremely partisan, who have become totally political on this issue and totally personal. There is no evidence whatsoever that Colin Powell lied, that he was misleading us, that Condoleezza Rice was a part of a policy to mislead the American people, nor that the President was. They all had the same information. One would not think that from what we have heard on the floor. One would not think that as you hear those who want to deny her this nomination.

Frankly, that argument does not wash. It is not consistent with reality. It is dreamed up. It is political. It is for no other reason than to insert false and untrue information and facts into this discussion. She deserves the nomination.

The President did not intentionally mislead. Those who oppose the war ought to say it and quit exaggerating and being political and personal about their attacks.

Mr. President, I thank Senator LUGAR, and I yield the floor.

Mr. JEFFORDS. Mr. President, I take very seriously the United States Senate's responsibility to provide advice and consent for the President's nominees. Generally, I believe that the President of the United States should be allowed to have the people he chooses in his cabinet to implement the policies he has been elected to put in place—providing they are qualified to do the job. The vote should not be about the ideology of the nominee—that decision is up to the President—but rather about the nominee's ability to perform the job.

Condoleezza Rice certainly has the academic training and the professional credentials to be Secretary of State. She is bright, articulate, and well versed in diplomatic procedures. She works extremely hard, is dedicated to her job, and is very close to the President. In many respects, she was the natural choice to succeed Secretary Colin Powell.

But, I am afraid there is a showstopper here. As National Security Advisor, Ms. Rice has been one of the most public faces of this administration's policy in Iraq. She has been the public face of this administration's crusade to generate American support for an invasion. In her effort to do this, Ms. Rice has made many of the most categorical statements on Iraq, claiming that we had evidence that Saddam Hussein was pursuing weapons of mass destruction, that Saddam had ties to the al Qaeda terrorists, that we were threatened by a mushroom cloud from Iraq, or a little vial that Saddam might give to terrorists to poison us. Over and over again, Ms. Rice has used every shred of evidence she could find, even evidence that the CIA urged her to retract, in order to make the case that Iraq was a direct and immediate threat to the United States.

We now know that most of the intelligence information that led the President to conclude Iraq was an immediate threat to the United States was wrong. Not only have no weapons of mass destruction been found in Iraq, but no evidence has surfaced of any recent attempt by Saddam to develop these weapons. No ties with al Qaeda have come to light. Ironically, it now appears that since the U.S. invasion, terrorists groups are enjoying a surge in recruitment and have even set up training camps in Iraq. Hatred of America's actions in Iraq has surged throughout the Muslim world and beyond. Condoleezza Rice is not solely responsible for this dangerous turn of events, but she is inextricably linked to this policy, and refuses to admit that any mistakes have been made by this administration.

A hallmark of the administration's Iraq policy has been a refusal to work with the international community. President Bush preferred to go it alone rather than be hampered by the constraints of the United Nations or make the concessions necessary to form a broad coalition. Ms. Rice was a prime spokesperson for this policy. She repeatedly justified the doctrine of preemption and defended the wisdom of going it alone, even if it meant losing the support of our closest allies. She was the public face of this policy of contempt for the role of diplomacy.

The Secretary of State is America's second most visible face to the world. If he or she is to be effective, the Secretary must be seen as truthful, forthright, and respectful of other nations. The hallmark of this administration's foreign policy has been its willingness to distort information in the service of its political objectives, and its failure to tell the truth. It has viewed other nations as either naive or cowardly if they have disagreed with our policy. Ms. Rice has been the public face of this policy and this ''modus operendi''. Nothing could be more detrimental to her ability to be a successful Secretary of State.

I have said all along that this war is wrong, that the administration's rationale for this war was faulty, and that the consequences of this war may be very detrimental to our national interest and our national security. Unfortunately, it looks like these observations are proving correct.

More than 1,370 American soldiers have died in this war, and over 10,000 have been wounded, many of them maimed for life. Countless thousands of Iraqis have died—we will probably never know how many. Their country has been devastated, and as of now, it

appears this Sunday's elections are unlikely to bring about any resolution of the internal strife. Civil war is a real possibility, and today it is hard to see how progress is going to be made toward the administration's goal of stability in Iraq.

Condoleezza Rice has been a lead architect of our Nation's failed foreign policy and of the war in Iraq. Therefore I believe she is severely handicapped in her ability to be America's chief diplomat and the chief architect of America's effort to resolve these problems. This administration has not hesitated to play loose with the truth and show contempt for international opinion. These are not the tools of successful diplomacy, the primary responsibility of the Secretary of State.

Therefore, sadly, for the first time in my Senate career, I must cast my vote against a Cabinet-level nominee. I will vote no on the nomination of Condoleezza Rice to be Secretary of State.

Mr. BUNNING. Mr. President, I speak today in response to some things I have heard a few of my colleagues on the other side of the aisle say about Dr. Condoleezza Rice. I want to set the record straight and express my full support for her confirmation.

Dr. Rice is without question one of the most qualified people ever to be chosen as Secretary of State. She is more qualified to be Secretary of State than all 100 Senators are for their jobs.

It is not surprising to me that I have not heard any of my colleagues question Dr. Rice's qualifications. She is one of the most well-rounded foreign policy experts in the nation, having spent some 25 years in Government, the private sector, and academics.

In Government, she has served three Presidents, including service at the National Security Council and the Joint Chiefs of Staff at the Pentagon. As National Security Advisor, one of the most important foreign policy positions in our Government, she has been a key architect of our Nation's response to terrorism and threats abroad. Since she joined the Bush administration as National Security Advisor, this administration has reached an agreement with Russia to reduce nuclear weapons, successfully achieved the return of our military personnel from China when their plane was taken hostage, engaged North Korea in multilateral talks to end their nuclear weapons program, launched an effort to fight AIDS around the world, and freed millions of people living under the tyranny of Saddam Hussein and the Taliban.

In addition to her Government service, Dr. Rice has spent time in the business world where she gained the management experience needed to run an organization as large and diverse as the State Department. She has served on numerous corporate boards, and was the top budget official at Stanford University when she served as Provost.

While I do not think that academic achievement alone qualifies someone for a job as important as Secretary of State, there is no question Dr. Rice has proven her intelligence, knowledge, and hard work through her academic career. She has three degrees, including a doctorate, in Government and foreign policy. She has written numerous books and articles on national defense and foreign policy topics. And while serving as Provost at Stanford, she was also the top academic officer of that prestigious university.

Rather than questioning Dr. Rice's qualifications, the few Senators who have come to the floor to speak against her are simply playing politics. I fear the Senators I listened to all day yesterday are acting out of bitterness from the rejection of their ideas and candidates at the polls last fall. They are attacking Dr. Rice in a continuing effort to tear down our great President and to tear down his policies that are bringing freedom and democracy to those who have never experienced it. Worse yet, I fear some of my colleagues are attacking Dr. Rice to paint a false picture of her because they believe she may one day seek elected office, or even be an opponent at the ballot box.

Well, I have no such concerns about Dr. Rice, and I have no problems supporting her. Late last year I had the pleasure to sit down with Dr. Rice and discuss her vision for our foreign policy and the State Department. I was impressed by how clearly she discussed the war on terrorism and our involvement in the Middle East. We are involved in an effort to bring freedom, democracy, and individual rights to a region of the world that has never known any of those things. Dr. Rice understands that those changes will not happen in just a few months or years. It will take decades, if not generations, to see the Middle East transform into a peaceful and stable region. The next few years are critical to that effort, and I believe Dr. Rice is the right person to lead our relations with Middle Eastern nations as well as all nations around the world.

Mr. President, I am confident the Senate will overwhelmingly confirm Dr. Rice, and I wish her well. She has a huge task ahead of her, including bringing accountability to the United Nations and getting to the bottom of the Oil-for-Food scandal, and I hope this body will be responsive to her needs as she works to promote freedom and our national security.

Mrs. CLINTON. Mr. President, the vote on whether to confirm Condoleezza Rice as Secretary of State is a difficult decision. The administration and Defense Department's Iraq policy has been, by any reasonable measure, riddled with errors, misstatements, and misjudgments. From the beginning of the Iraqi war, we were inadequately prepared for the aftermath of the invasion with too few troops and an inadequate plan to stabilize Iraq. Today, we are reaping the consequences of those decisions with continuing tragic losses of American and Iraqi lives, a full-fledged insurgency in Iraq and a lack of security and stability in many areas. In fact, the National Intelligence Council, the CIA's own think tank, recently stated that Iraq has now replaced Afghanistan as the prime international terrorist haven—a deeply disturbing result of our problematic policies.

In her role as National Security Advisor, Dr. Rice was a member of the team responsible for our flawed Iraq policy. She made several misleading statements about the presence of weapons of mass destruction in the lead up to the war. And in the almost 2 years since the Iraq invasion, the flawed policies on Iraq have not been corrected. Indeed, Dr. Rice has tremendous difficulty in even admitting error though obvious errors abound. In addition, $18 billion has been appropriated for the reconstruction of Iraq, but only a tiny percentage of that money has actually been spent because of the violence in Iraq.

Although I profoundly disagree and deeply regret how this war has been conducted, my concern has less to do with Dr. Rice and more to do with President Bush, Vice President CHENEY, and Secretary Rumsfeld. The fact is that the President was reelected, and, though I was strongly opposed to his reelection, he was reelected nonetheless. I do not believe, however, that accountability ends with an election. We are all public servants, including the President and his team, and we are all therefore accountable to the public for our achievements and mistakes on a continual basis. We are also accountable to the future and to history.

So while I, and many of my colleagues, have strong concerns about her role in the development of a flawed Iraq policy, an overwhelming majority on the Senate Foreign Relations Committee, including a large majority of committee Democrats, voted in favor of forwarding her nomination to the full Senate. While many of my Democratic colleagues on the committee, including the ranking member, share my concern over her role in our Iraq policy, they think it worthwhile to give her a chance in this new role. That judgment, from Senators who had the opportunity to probe and question Dr. Rice on her qualifications, tips the balance in favor of voting for Dr. Rice's nomination to be Secretary of State, in my mind.

I am hopeful that Dr. Rice's background and training will enable her to serve as Secretary of State with distinction and that she will carry the lessons of our policy failures in Iraq with her as she leads the Department of State. She does have the President's ear and I hope she will use her role to direct the President's attention to addressing our frayed alliances in Europe, our relationships with Latin America, our policy toward Russia, nuclear proliferation around the world, especially in Iran and North Korea, personal sustained attention to new opportunities

for lasting security and peace in the Middle East, problems and opportunities posed by China, Afghanistan, India and Pakistan and to lead the world's efforts to address the global crises of AIDS and other diseases, environmental degradation, poverty, education and health care in the developing world, and human rights.

As National Security Advisor, Dr. Rice's role was to advise the President. The Secretary of State has a different role as the Nation's chief diplomat. Dr. Rice's proposed appointments to senior positions within the State Department are well-qualified experienced personnel.

I am hopeful that Dr. Rice's statements during the recent hearings in support of reaching out to allies, public diplomacy and building coalitions will be more than words, but instead describe a genuine effort to ensure that our country leads the world though its strong alliances, values and example.

Mr. LEAHY. Mr. President, I am glad that we have had a few more days to consider and hours to discuss this nomination. Some have suggested that we should have simply ''voice voted'' Dr. Rice's nomination so she could be confirmed in time for the inauguration. Senators are here to advise and consent, not rubber stamp for the White House's convenience.

We needed this extra time for debate. The Secretary of State is the chief foreign policy adviser to the President and fourth in the line of Presidential succession. And, like some other Senators, I was disappointed by Dr. Rice's testimony before the Foreign Relations Committee last week.

I had hoped that her testimony would demonstrate the kind of forthright, objective analysis that I believe we need in a Secretary of State. Unfortunately, it did not. I share the serious concerns expressed by Senator BOXER and Senator KERRY, and I commend them and other Senators for voicing them.

I have not been impressed with Dr. Rice's performance as National Security Adviser. Strong leadership, openness, and sound judgment have been far less evident at the National Security Council during her tenure than I would have liked.

I also believe that she has not always been forthright with Congress or the American people. She contributed to the exaggerated public statements, false information in the President's State of the Union speech about Iraq's supposed attempts to acquire nuclear material, and the selective declassification of intelligence, which helped to create an atmosphere of hysteria that led us into war in Iraq. She and others created the false—the false—impression that Iraq posed an imminent threat to the United States.

These were serious failures, made worse by Dr. Rice's unwavering advocacy and support for the administration's policies that have cost the lives of over 1,300 American soldiers and an estimated 100,000 Iraqis, many of them noncombatants.

It has alienated our friends and allies and convinced many of the world's Muslims that we are at war with Islam itself. It led to the atrocities at Abu Ghraib. It has added $200 billion to the Federal deficit and at the rate we are going that is only a down payment.

There are now 150,000 American troops, many of them National Guard and Reserve, bogged down in an unwinnable war in Iraq that has become a haven for terrorists.

Yet Dr. Rice refuses to own up to the Administration's failures. When confronted with her own glaringly inconsistent statements regarding weapons of mass destruction which were the primary justification for the war, she responded that the question unfairly impugned her integrity.

She had an opportunity to reassure her detractors, and believe me there are many in my State of Vermont, when she testified last week. She declined to do so, and that was disappointing and frustrating to those of us who want her to succeed in her new position.

My vote in favor of Dr. Rice is difficult to explain. It is more the product of a belief than a cold analysis of her record. I believe that Dr. Rice is capable of learning from her mistakes and changing her ways. That she will rise to this new challenge. That she can be a good Secretary of State.

The other major reason I am voting in favor of Dr. Rice's nomination is that I am the ranking member of the Foreign Operations Subcommittee. In this capacity, I have a responsibility to work with the Secretary of State, on a daily basis, to tackle a full range of international issues critical to the United States and the rest of the world: AIDS and other global health issues, human rights, the United Nations, terrorism, the environment, women's rights, poverty, corruption, to name just a few.

By voting for Dr. Rice's nomination, I am sending a clear message: I want to get this important working relationship started on the right track. I hope that my vote will be a step towards a more constructive U.S. foreign policy. After all, it is these policies that ultimately impact the lives of billions of people around the world.

During the first term, the Bush administration dug a deep hole: relationships with our oldest allies are badly strained, Iraq is a mess, and our own country is badly divided.

We need to come together as a Nation to deal with these and many other problems. But coming together does not mean ignoring valid criticism, embarking on a policy that pleases only one side of the aisle, and accusing those opposed of being un-American or unpatriotic. Criticism and dissent are the essence of democracy, the essence of patriotism.

Coming together means genuine consultations with members of both political parties, and policies which reflect a range of views even if they do not fit into preconceived ideologies.

As I said, I hope that my vote here today will, in some small way, help begin this process. I hope it will allow us to get back to the real practice of the Vandenberg rule—that politics end at the water's edge—and away from the slash and burn politics practiced during the first term of the Bush administration.

I hope that Dr. Rice will meet me half way. I want to work with her on the many pressing issues that concern both Democrats and Republicans, including the issues of freedom and human rights that the President spoke of in his inaugural address that are so important not only to Americans, but to people everywhere.

Mr. ENZI. Mr. President, I rise in strong support of Dr. Condoleezza Rice to be our next Secretary of State. I am pleased to echo the sentiments of many of my colleagues—Dr. Rice's accomplishments are inspirational, and she sets an amazing role model for young people in our Nation today.

We are considering a person for Secretary of State with an impressive educational resume, a person who has lived through some of the most trying eras of our history and who represents the best of America. Dr. Condoleezza Rice is more than well qualified to be Secretary of State. She served 6 years as the Provost of Stanford University. Under President George H. W. Bush, she was Director and Senior Director of Soviet and East European Affairs in the National Security Council, and a Special Assistant to the President for National Security Affairs.

With her experience the last 4 years as National Security Adviser to President Bush, she comes prepared for this position like no other person could. She knows our President and his foreign policy and national security issues. She will arrive at a new job with a full understanding of the President's plan for our chief diplomat.

I have had the privilege of working with Dr. Rice during her tenure as National Security Adviser. In 2001, Dr. Rice played an instrumental role in the Senate's passage of S. 149, the Export Administration Act of 2001, a bill I introduced in 2000. S. 149 was a strong bill that would have modernized our national export control system for dual-use items and technology. The bill, which required a risk-based analysis of proposed exports and emphasized transparency and accountability, garnered vocal support from the President, the Secretaries of Defense and State, and our National Security Adviser, Dr. Condoleeza Rice. The support of Dr. Rice underscored the strength of the bill's national security provisions. Unfortunately, Congress failed to pass S. 149 into law before adjourning the 106th Congress.

As such, I look forward to working again with Dr. Rice in her new capacity as Secretary of State on issues related to export controls. In her new role, I believe she will be a leader within the interagency process on dual-use

exports, as well as an effective leader for the Office of Defense Trade Controls, ODTC, which administers the International Traffic in Arms Regulations, ITAR, and maintains the munitions list—a list of items controlled for defense purposes. Dr. Rice's experience on the National Security Council has well prepared her for a job that will require a fair and realistic approach to controlling both defense and dual-use exports.

We must ensure that our export control system keeps sensitive items and technology out of the hands of the terrorists and other bad actors. At the same time, we must also make sure our troops and allies, who are fighting every day for freedom and democracy, have access to the best and most technologically advanced tools of our time. This will take forward thinking from all the Departments responsible for controlling defense and dual-use items, including the Department of State. Our export control policy must take into consideration the fact that the U.S. military and private high-tech companies are codependent Private companies are pushing the technological envelope for both militarily critical and civilian products. And we must work toward a system that allows these companies to continue growing and developing so as not to stifle the military's rate of technological advancement. I believe Dr. Rice will provide an intelligent and knowledgeable voice in this endeavor.

I have been disappointed with the comments made by some of my colleagues. While we all certainly have the right and duty to disagree on policy and procedures, the nature of some comments have gone beyond what is appropriate for this body. I strongly believe the character of Dr. Rice and her integrity are above reproach. The criticism heard here, unfortunately, reaches beyond the Senate and far beyond Washington.

I remind my colleagues that when we speak on the Senate floor, our words are heard by brave men and women serving overseas. Our words are heard by their families and their friends who make it possible for them to serve our Nation so well. I hope we all remember that as we debate the merits of our foreign policy and the nomination of Dr. Rice.

I am pleased to again state my support for the nomination of Dr. Rice. Her experience, her dedication, her integrity, and her character will make her a good representative of our Nation.

Mr. DORGAN. Mr. President, I have serious reservations about the nomination of Condoleezza Rice for Secretary of State.

While I believe that the President deserves the opportunity to select his own team in the construction of his Cabinet, the confirmation process is one which gives the U.S. Senate the opportunity to reject a selection that it feels would not be in the best interest of our country.

The nomination of National Security Advisor Rice to become Secretary of State has been troubling to me because she was a part of the dispensing of intelligence information to justify the war in Iraq. That intelligence turned out to be fundamentally wrong.

There is no question that Ms. Rice has the intellect, the academic background, and the work history to justify this nomination. She is extraordinarily talented and skilled. But even so, I have significant reservations about her role in the use of intelligence leading up to the Iraq war.

I recognize she was working for and representing the President, the Vice President, and others in the administration, but nonetheless she too must bear responsibility for some very significant mistakes.

I sought out Condoleezza Rice yesterday for a personal conversation about a number of the issues that concerned me. We had a full and lengthy discussion about those matters, especially the use of intelligence leading up to the war.

I've decided after much reflection that I will cast a vote for her confirmation, but it is a close call for me. I fervently hope that this administration, including the President and the new Secretary of State, will rethink some of the foreign policy initiatives that I believe have made our country less secure—not more secure.

So I will cast a yes vote with reservations and hope that this administration has learned from the serious mistakes in foreign policy it has made in its first term.

Mr. CORZINE. Mr. President, today we are considering the nomination of Condoleezza Rice to be Secretary of State. Dr. Rice is professionally competent and accomplished. Her academic background is impressive and she has the diplomatic skills necessary to serve as Secretary of State. I intend to vote in favor of her nomination, but not without expressing serious reservations and concerns. This administration's first term was marked by a series of failures and miscalculations that have cost this country dearly. Dr. Rice, as National Security Adviser, must bear some of the responsibility for these mistakes. Now, however, she also has an opportunity to correct them. I will therefore cast this vote with the hope and expectation that she will work with the Congress to forge a new approach to our foreign policy.

Dr. Rice's tasks, if she is eventually confirmed, are numerous and daunting.

The administration should be rapidly expanding efforts to stop the proliferation of nuclear materials in the former Soviet Union and throughout the world. The prospect of these materials in the hands of terrorists is truly the greatest risk to our national security. Mobilizing our allies in a concerted and coordinated effort to stop Iran's nuclear program must also be at the top of the new Secretary's agenda.

Additionally, the administration must finally engage with the rest of the world in addressing global climate change. Almost every day, new scientific evidence raises the world's concern and challenges our fate.

The administration should also expand efforts to combat HIV/AIDS to include India and other second-tier countries. Thus far, its words have been right, but the financial reality has fallen short.

We should fully fund our development and disaster assistance accounts and finally meet the promises of the Millennium Challenge Account.

The administration, working with our allies, needs to broaden nation-building efforts in Afghanistan so that warlords and narcotics do not destroy the hope of Afghan democracy.

And it must confront human rights abusers, not just in the ''outposts of tyranny'' mentioned by Dr. Rice in her testimony to the Foreign Relations Committee, but in Saudi Arabia, China, Central Asia and throughout the world.

And, we must address these and many other challenges with a new commitment to our alliances. For 50 years, American leadership helped build international institutions to fight common threats and promote the common good. We drafted treaties to articulate universal values and entrench them in international law. And we constructed great military alliances to protect not just ourselves but our friends overseas. With a renewed commitment to alliance building and real engagement around the world, we can begin to end our own current isolation, rescue the reputation of U.S. policy overseas, and bring the resources of our friends and allies to bear on the global challenges we all face.

While Dr. Rice will face many challenges ahead, I intend to speak in detail today on two topics: Iraq and Darfur.

The administration's approach to Iraq has been disastrous from the start. The intelligence used by the administration on weapons of mass destruction and links to al Qaeda were flat wrong. We must begin to learn the lesson of this colossal failure and ensure that we have accurate, objective intelligence. I have and will continue to call for a full accounting of the development and use of the intelligence that led us into Iraq. But in the coming years, I also expect our Secretary of State to join in demanding real intelligence reform. Without it, we will be unable to stabilize Iraq or confront other current and future threats. Our foreign policy must be based on an understanding of our enemies. And our policies and the intelligence behind them must be credible with our friends.

The Administration's approach to the war in Iraq was disastrously unilateral. It ignored the weapons inspectors, rejected our allies, and ended up isolating America. The result of these policies is now borne by our troops, who are fighting nearly alone in Iraq, and by American taxpayers, who are

paying 90 percent of the costs of the war. We cannot afford to continue in this vein. I hope that, in this second term, the administration will recognize the heavy costs of unilateralism and place a priority on diplomacy and alliances. With Iraqi elections less than a week away, the new Secretary of State can begin by acknowledging that ballots do not equal democracy, and that the hard work of stabilizing Iraq will require a concerted global effort. Intellectual honesty is a must for this administration and for our Secretary of State.

There have been a series of miscalculations with regard to almost every aspect of the occupation. The administration failed to commit sufficient troops. It did not consider the political, military and economic challenges inherent in occupying a foreign country. It anticipated neither an insurgency nor sectarian and ethnic conflict. It permitted looting and chaos, when order was so critical. It failed to raise an Iraqi security force before the insurgency was already raging. And its confused policies regarding detention and interrogation led to the abuses at Abu Ghraib. On the international stage and in Iraq itself, the damage caused by these mistakes must be addressed head on. Trust must be rebuilt, through candor and through real changes in policy.

Another great challenge facing the new Secretary of State is Darfur. Secretary of State Powell's declaration of September 9, 2004 that genocide was occurring was appropriate, and I applauded the administration at the time. But having made that declaration, we cannot allow genocide to continue. Nor is the reluctance of other nations to take a tougher position an excuse for inaction. In her testimony to the Foreign Relations Committee, Dr. Rice stated that the reason the U.N. Security Council resolutions on Darfur have been so weak was because other members of the Council opposed sanctions against Khartoum. While this is true, it is time to put real pressure on those countries. Hundreds of thousands of lives are at stake in Darfur. We cannot accept business as usual at the U.N. If our bilateral relations with countries that oppose action to stop the genocide suffer, then that is how it should be. Saving lives, stopping genocide is the high ground. It is a moral imperative.

But through principled and sustained leadership, we have an opportunity to find common ground with our allies and partners. Next week, a U.N. Commission is expected to identify those in Sudan responsible for crimes against humanity. This is the time for accountability. All parties need to put aside their own agendas and do what is right for the sake of stopping this genocide, and deterring future crimes against humanity. Those countries who have opposed sanctions against Sudan need to accept the findings of the Commission and change course. And the administration should be open to all forms of justice and accountability, including the International Criminal Court.

This week, the United Nations General Assembly is holding a special session to commemorate the 60th anniversary of the liberation of the Nazi death camps. This session is convening in the spirit of ''never again.'' Soon we have the names of those committing genocide, brought to us by a U.N. Commission established thanks to pressure from the United States. We must not allow ideology to stand in the way of accountability. Referring this case to the ICC will not threaten any Americans. Rather, it will push the ICC toward the purpose for which it was created and affirm America's leadership with regard to universal values of justice and accountability.

Finally, on Darfur, we must push harder for the full deployment of African Union troops. Dr. Rice testified that only a third of a 3,300 person AU force is currently in Darfur. It has been more than 4 months since the U.N. Security Council called for the ''rapid expansion'' of the AU force. Congress has appropriated $75 million specifically for this expansion. Getting those troops in place immediately and providing them with all the resources they need to succeed must be a top priority for the new Secretary of State.

And if they succeed, this success will ripple outward across Africa. Having stopped a genocide, visionary African leaders will be positioned to address future crises on the continent and the AU will have taken an important step forward as a credible and forceful institution.

Darfur represents an opportunity for this administration to live up to the words articulated by the President in his inaugural address.

The President said, ''All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors.'' How, then, can we stand by in the face of genocide?

The President, quoting Abraham Lincoln, said, ''Those who deny freedom to others deserve it not for themselves; and, under the rule of a just God, cannot long retain it.'' With the names of those responsible for the killing in Darfur, are we not obligated to see justice served?

And the President, speaking to our allies, said, ''We honor your friendship, we rely on your counsel, and we depend on your help.'' When the African Union expresses a desire to deploy an effective force in Darfur, how can we not do everything in our power to make sure that they succeed?

The challenges ahead our many. And this administration, in its first term, has made many mistakes. But the collective wisdom of America is great. Our new Secretary of State and the rest of the Administration's national security team can, if it chooses, work together with Congress and forge a new approach—one that will make us safer and create a better world.

Mr. DODD. Mr. President, I rise today to speak about the pending nomination of Condoleezza Rice to be Secretary of State. First, I start off by commending the distinguished chairman and ranking member of the Foreign Relations Committee, Senators LUGAR and BIDEN, for their efforts to ensure that all members had the time to engage Dr. Rice and to express their thoughts on this very important nomination. I would also like to thank Dr. Rice for her willingness to devote as much time as necessary to answer our questions.

Unlike many other confirmation hearings for Secretary of State, the nominee before us is well known to Congress and to the American people. She has a distinguished record as an academic and has served in many important positions as a public servant. Clearly, she has the requisite skills and experience for this post.

Rightly, the focus of last Tuesday's and Wednesday's committee hearings concerned in great part her role as the President's National Security Advisor in the first term and her vision of what our foreign policy should be in the second term. It is no secret that many of us on the committee have had our differences with the Bush administration's foreign policy agenda during these past 4 years. Nonetheless, I had hoped that the hearings with Dr. Rice would demonstrate that she had grown somewhat intellectually and would be prepared be more analytical about the strengthens and weaknesses of U.S. policy over the past, 4 years. Sadly that has not been the case.

Instead, I have come away with the impression that when it comes to our foreign policy agenda, it is likely that we can expect more of the same when it comes to policy priorities. As well, I have every reason to believe following these interactions that the lack of transparency and accountability which was the hallmark of this administration in the first term will continue into the foreseeable future. These flaws have led the United States to have a negative image both domestically and abroad.

It now appears that little will change in that regard.

For example, Dr. Rice's comments, or lack thereof, on the issue of torture were startling to this Senator, as I presume they were to many of my colleagues. I asked her a simple question, whether or not she felt that on the issue of certain interrogation techniques such as water boarding, forced nudity, and the use of stress positions are tantamount to torture. I asked her to consider this not in the context of whether or not members of al-Qaida are covered by the Geneva Conventions but as a human being reflecting on the actions of one person against another. My question was straightforward; however, Dr. Rice's answer was anything but. In fact, at no point did she provide

a clear answer to the question I posed. Disturbingly, her lack of a clear answer implies that she neither defines these methods as torture nor opposes their use in the war on terror.

International laws and treaties exist for the protection of all parties. They contribute to security and to a more humane world. Agreements such as the Geneva Convention project to the world the values we hold so dear in America, liberty, freedom, the rule of law. We are better intrinsically for abiding by them, and we are better off—Americans are safer—when we successfully protect the values they enshrine.

After all, following World War II, our Nation insisted on trying Nazi war criminals, people who were guilty of the most heinous crimes ever committed against humanity.

We insisted on this because we understood the importance of the rule of law, of being better than the enemy, and that this was the most effective way to spread our values, our common cause against tyranny. Of all the memories I hold dear, I am proud of none more than that of the role my father played as a prosecutor at those trials in Nuremburg.

Dr. Rice chose not to answer my simple question. She had a chance to speak to the whole world yesterday and today to convey the message as to how she will address this issue. I think she is off to a poor start. And I would recommend, for the sake of our national security and American citizens globally that she should reflect upon this subject matter when she assumes her duties as Secretary of State.

I am also troubled by her unwillingness to admit that there were any mistakes made by the Bush administration with respect to the preparation for the war and its aftermath. Even after all the deaths and instability that have plagued Iraq since the U.S. invasion of 2003, Dr. Rice does not appear to have any second thoughts about decisions taken with respect to Iraq. Surely, mistakes have been made. But Dr. Rice appears inclined to follow in the President's footsteps of not being willing to admit mistakes. She was reluctant to admit even the most glaring mistake, that Iraq did not possess WMD, even though that was the fundamental rationale behind the Bush administration's original drive to go to war.

In addition, it was painfully obvious that Dr. Rice does not currently have much of a feel for policy in the Western Hemisphere. With respect to Venezuela, she seems determined to pursue the same path that has done nothing to further democracy, and which has instead made it easy for President Hugo Chavez to vilify the United States. With respect to Cuba, she seems stuck in a 40-year-old fixation on a 78-year-old man, a mode of thought that is outdated, counterintuitive, and ultimately has proven itself unsuccessful. Our inane policy toward that island nation is exemplified by the fact that it is the only country in the entire world to which the U.S. Government prevents its citizens from traveling. Americans can travel to Iran and North Korea, two nations that are unarguably more threatening, but not to Cuba. Yet, Dr. Rice seems intent on retaining these failed policies.

I also took note of her refusal to provide a straight answer to questions she was asked regarding a recent article about U.S. plans for military action against Iran, which was written by the respected journalist Seymour Hersh and published in the most recent edition of the New Yorker magazine. Dr. Rice contended that the article was full of inaccuracies. However, the question put to her by Senator KERRY was quite specific, is the article's contention about U.S. plans with respect to Iran true or false. That is a simple question with a one word answer. If that particular part of the article is inaccurate, it would have been easy and painless to say so. Her lack of candor did not appear to have anything to do with the information being classified. Had that been the case, Dr. Rice could simply have responded that any information regarding the matter would have to be discussed in a classified briefing. But she did not.

All of these issues I have discussed are troubling to say the least. They raise very serious concerns about the direction our foreign policy will take over the next 4 years. Nonetheless, I believe that except in extraordinary circumstances, the President has the right to choose his or her Secretary of State. Therefore it is with serious reservations that I voted to report this nomination favorably to the full Senate and will support her confirmation when the full Senate votes on this matter. However, I would offer some words of advice to Dr. Rice. First, that she reflect upon some of the issues and concerns raised during her confirmation hearings. And second, that she never forget as Secretary of State that she is not just the President's representative, she is the representative of the American people. She should never forget that.

Ms. COLLINS. Mr. President, President Bush made an excellent choice in nominating Dr. Condoleezza Rice to be America's next Secretary of State. She has both the professional experience and the personal integrity to make a great Secretary of State.

I cannot think of a candidate more qualified to be Secretary of State than Condoleezza Rice. Dr. Rice's experience and expertise are truly multi-facted. She is a distinguished public servant and has led one of our country's most distinguished universities. She has 25 years of experience in foreign policy, having served three Presidents as a key advisor.

She has led the President's national security team with strength and expertise. A short list of her many accomplishments include developing six-party talks aimed at ending North Korea's nuclear program, helping to design the President's landmark emergency AIDS relief package, and strengthening relations with Russia and China. In her capacity as National Security Advisor, Dr. Rice has developed personal working relationships with international leaders and governments that will enable her to nurture alliances and conduct effective diplomacy around the world. She was instrumental in developing the administration's response to 9/11 and a new framework for United States policy in the Middle East.

Most important, Condoleezza Rice has the trust and confidence of the President. She has served the President as a loyal and trusted advisor. When she speaks to foreign leaders as Secretary of State, they will know that Dr. Rice is speaking on behalf of the President.

I have had the honor of working closely with Dr. Rice on many occasions over the past 4 years. In particular, Dr. Rice's support was extremely helpful to me and to my colleague Senator LIEBERMAN as we undertook the Herculean task of reforming our intelligence community in the last Congress. Dr. Rice helped us overcome the obstacles we faced to ensure the bill became law, and for that, she has my gratitude.

Having a strong foreign policy vision is critical to success in the war on terrorism. Condoleezza Rice is the right person for the job. Dr. Rice will make an outstanding Secretary of State, and I look forward to working with her in the coming years.

Mr. KOHL. Mr. President, I will be casting my vote in support of the nomination of Dr. Condoleezza Rice as our next Secretary of State. Dr. Rice currently serves as President Bush's National Security Advisor. In that position, she has earned the trust and the confidence of the President. Her stellar credentials and her remarkable success story, despite the barriers of segregation in Birmingham, AL, are an inspiration.

Dr. Rice will assume the job of our Nation's top diplomat not only during a time of war but also during a time in which the United States faces countless other challenges. In short, Dr. Rice will have her work cut out for her. As she noted in her opening statement to the Senate Foreign Relations Committee, ''We must use American diplomacy to help create a balance of power in the world that favors freedom. And the time for diplomacy is now.'' Indeed. The extent to which we have alienated our allies and aroused suspicion about our policies is breathtaking in contrast to the tremendous support and sympathy we experienced in the aftermath of 9/11. Even as we pour hundreds of billions of dollars into our efforts in the Middle East, there is much that needs to be done to win the war of ideas in the Muslim world and beyond.

There are many lofty ideals which the President extolled in his inaugural

address—democracy and freedom, liberty for all—these are ideals we all share. Our Secretary of State must recognize, however, that ideals are meaningless if they do not inform the specifics of our policies. Where we must work to find common ground is in how to realize these ideals. I look forward to working with the next Secretary of State as we craft the State Department's budget and as we strive for a foreign policy we can all embrace.

Ms. MIKULSKI. Mr. President, I rise today on the nomination of Dr. Condoleezza Rice to serve as Secretary of State.

I have three criteria I use to evaluate all executive branch nominees: competence, integrity and commitment to the core mission of the Department. On the basis of those criteria, I will vote to confirm Dr. Rice.

Yet I do have concerns. This vote is not an endorsement of President Bush's foreign and defense policy as we saw it during Dr. Rice's tenure as National Security Advisor.

I have serious concerns with the way we went to war with Iraq: With the overblown assertions of the threat to the United States; with the deeply flawed intelligence analysis from a few biased sources presented as facts; with the failure to build a strong international coalition; with the failure to prepare and send sufficient forces to deal with the aftermath of removing Saddam from power; and with the failure to prepare by providing our own troops the protective equipment they needed to carry out their missions and come home safe.

I know a lot of the responsibility for those failures rests with the Secretary of Defense.

I hope that Dr. Rice's service as Secretary of State will be historic not only because she will be the first African American woman to hold that office. I hope that Dr. Rice will make history by exercising true leadership at the State Department: Rebuilding our tattered international relationships and alliances; seeking to achieve lasting peace in the Middle East and other conflicts; mobilizing the world to meet humanitarian and development needs; and serving as an effective CEO of the State Department to ensure that our dedicated public servants have safe embassies and the resources they need to effectively formulate policy and represent the United States around the world.

Mr. LAUTENBERG. Mr. President, today is a very sad day when we hear that we lost somewhere around 37 or 38 of our finest in the Marine Corps with the crash of a helicopter and additional deaths from the ground fight.

Like everyone here, this information is very painful to me. I have had the experience, as most of my colleagues have, to visit with families as their sons and daughters are buried as a result of their exposure in Afghanistan and Iraq in the military.

Most recently, about 2 weeks ago, I went to a funeral in New Jersey for a 19-year-old marine corporal. I sat with the family who was very proud of their son's contribution to his country. Twin brothers, young men were making comments at the funeral, participating in the eulogy, and the parents, grief stricken about the loss of this wonderful, apparently, young man. I did not know him, but the history of his short years was resplendent with good accomplishments in school.

I mention that because it sets the tone for my feelings about how we portray this war to the American public.

I am a veteran of a war a long time ago. As a matter of fact, I think I am one of three remaining here from World War II. The experiences are, though such a long time ago, still vivid in my mind. I remember the enthusiasm of my friends in high school—I was 18 when I enlisted in the Army—and those in the community and how spirited the support was for everything we did.

I do not see any failing of support for our troops in the theater. We are ready to do whatever we have to to make sure they have the materiel they need. On a visit I made in March of this past year with four other Senators, it was distressful to learn, as we visited with the young people who were doing the fighting there, that they did not have everything they needed. I talked with a small group from New Jersey—eight enlisted personnel and one young captain. I asked if there was anything they needed to conduct their service that would help them.

They were reluctant to complain, but finally this young captain stood up and said: Senator, the flack vest you are wearing is the best that money can buy. I see these vests on some members of the coalition, but we don't have them, Senator, and I would like to ask why.

He said further: When one of our humvees is hit with a rocket grenade or other weapon, very often they will go up in flames, like a firecracker.

He talked about a rifle that was issued to some of the other troops and how much more reliable it was, how much lighter it was, how much easier it was to carry.

I was very upset at hearing that news because the last thing that any of our soldiers should have to do is worry about whether they have the best equipment or whether their lives are going to be protected.

I went to visit at Walter Reed Hospital and saw a fellow who was banged up a little bit. His companion friend with whom he had been injured in Iraq said: You know, if we had not had the new vests, my friend here would have been dead. But he had one of those new vests, and it really helped. He is alive and recovering.

When I saw that families, in many instances, sent gifts of an article or funds to buy a vest that would protect their loved ones, privately raised money to send a vest for a soldier that we sent over there to fight for our views, and we can't provide the equipment? That set a tone for me, and I must say that many questions arose in my mind as to whether the information we were getting was credible information about all of these commitments that were being talked about from the administration about how we were going to do everything we could to protect our troops. It was not true. No, it was not true.

We did not have enough soldiers over there to do the job starting early in this campaign. We have been reminded on this floor a dozen times that General Shinseki, Chief of the Army, said we needed 300,000 troops to do this job. And, instead, we skinnied it on down and sent 130,000. They could not protect themselves. The cost was a horrible cost. Lots of young ones died. And now over 1,400 have died as a result of the effort in Iraq and Afghanistan, over 40 people from the State of New Jersey. I care about those. I am sure all of our colleagues care about the casualties that we have suffered in this war. One cannot be indifferent to a reminder that we are deep in the mud and we do not know when our troops are coming home and we do not know how many more we are going to lose before this endeavor is over.

So for me, the question centers around the information supply that we had: How did we make so many mistakes about weapons of mass destruction? How did we make so many mistakes about how we were going to be treated when we got there? How did we make so many mistakes when it was said we would be there for a short stay, that we would turn this job over to the Iraqis and they would take care of it and we would get out of there in time?

It was not true. No, it was not true. Unfortunately, when Dr. Condoleezza Rice's credentials were presented it was quite a review, quite a hearing, in the committee of jurisdiction. When they tried to find out more about how she would be acting as the Secretary of State, the Foreign Relations Committee did their job very well.

I do not question her extensive and impressive experience in academia and foreign policy. What I question today is her judgment and her ability to be candid with the American people and the Congress about critical information. No, those are not the things we question. What we question is the attention being given to detail. What we question is the attention being given to the commentary that arose in that committee.

During her confirmation, she had many opportunities to reflect on early decisions that were made in statements on Iraq in her position as National Security Adviser to the President, but when Dr. Rice was confronted with her misstatements and inaccuracies she refused to acknowledge any errors or take responsibility. I found that very disappointing.

During her hearing, Dr. Rice was given a chance to correct the record about what she said about Iraq being a

nuclear threat to the United States. Prior to the war, Dr. Rice stated that the smoking gun in Iraq could come in the form of a mushroom cloud. What an assertion that is, a mushroom cloud. That means a nuclear bomb. It means perhaps millions being killed. There was this specter of that kind of damage, that kind of catastrophe, because there were weapons of mass destruction in play there that were available to Saddam Hussein, but we know the evidence to that effect was not there.

In January 2004, the U.S. chief weapons inspector David Kay announced his group found no evidence that Iraq had stockpiled any weapons of mass destruction before our invasion. In October 2004, less than 6 months ago, the Duelfer report was released and contradicted the administration's prewar contention that Iraq had a strong WMD, weapons of mass destruction, program. The Duelfer report's conclusions are so definitive they compelled the administration to announce earlier this month that the search for WMD had officially ended.

Despite all of that information, Dr. Rice refused to admit at her hearing that she made serious mistakes in continuously overstating Iraq's nuclear capabilities. At her hearing, Dr. Rice was also given the chance to speak honestly about the current size of Iraq's security forces. She said that 120,000 Iraqis have been trained so far, but a much more accurate on-the-ground assessment reveals that only 4,000 have been trained. Imagine, on the one hand Dr. Rice said 120,000 Iraqis have been trained and we are trying to get out of there and what we need is a force that is able and large enough and trained well enough so we can bring our kids home, reunite our families.

Four thousand have been trained. We are so far away from having that force ready to take over that no one can tell what the timeframe might be.

When I was in Iraq, I went to a training facility for police officers. About every 6 weeks they graduated 80 officers, and we needed 53,000. So that meant, using the 6-week factor and calculating that by 10, we might be training 800 of these police officers a year, and we need 53,000. Yet we cannot now even find the truth out about what it is that is required.

Dr. Rice also could not explain or at least she would not explain to the committee what our exit strategy is or should be for Iraq. Here she simply chose not to answer the question at all. With more than 1,400 of our brave young men and women in uniform killed, including 48 with ties to my home State of New Jersey, I believe we deserved an answer. Instead, Dr. Rice chose silence.

When it comes to Iraq, unfortunately this administration has lost its credibility with the American people and with the global community, and it is the job of the Secretary of State to restore our credibility abroad, especially with our allies. In my view, promoting Dr. Rice to the position of Secretary of State puts a stamp of approval on the administration's policies and actions, and I cannot, in good faith, go along with that. Despite ample opportunity, Dr. Rice has shown no inclination to be more forthright about any of the mistakes she and this administration made and continue to make in Iraq or indicate that any change in course might be necessary. I find that very troubling.

Therefore, I feel compelled to vote against her confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on both sides at this stage?

The PRESIDING OFFICER. The Senator from Indiana has 14 minutes remaining, and the Senator from Delaware has 1 minute remaining.

Mr. LUGAR. There is 14 minutes and 1 minute?

The PRESIDING OFFICER. Correct.

Mr. LUGAR. Mr. President, my understanding is the majority leader is en route to the floor. He had responsibilities in the House of Representatives for a period of time. The distinguished Democratic leader is on the floor. It is his desire to wait until the majority leader is present, and both, as I understand, will make final comments, if necessary using leader time. Therefore, Mr. President, I will speak at this point, utilizing the time allotted to our side with a final argument.

Mr. President, I appreciated, as did the Senator from New Mexico, the comments of our distinguished colleague from Connecticut, Senator LIEBERMAN, when he discussed really the long debate we have had with regard to the conduct of the war in Iraq, of the conduct of the war against terrorism, which involves Iraq. Clearly, Senator LIEBERMAN is accurate when he points out that essentially we have had many disagreements about the prewar planning, the problems of the dislocation of all of the Iraqi security forces, the great dilemmas we have had as we approach now the elections and the fledgling democracy we hope Iraqis will be able to fashion as they formulate a constitution and elect the officials of their country.

The security situation remains extremely precarious for American troops and those who are with us in Iraq attempting to help Iraqis provide security for their villages and for their countryside. There are clearly differences of opinion as to how well all of these activities have been conducted, but I think, in recognition of how very difficult it has been for decisionmakers, a general consensus is that the batting average has been good, even if not perfect. But Senator LIEBERMAN made the point that now, at this particular moment, as we vote today to confirm a Secretary of State, we are a united group in this Senate on the need for success in Iraq.

There should be no doubt on the part of all who are about to cast their ballots in Iraq and take the chances that are posed when they are threatened really with loss of life for their willingness to exercise a franchise, it should be clear we are united back here.

This is not a fractious group, I hope, today that gives any sustenance of hope to the insurgents, to those who are attempting to formulate disaster in the Middle East that the face of America is not a united face.

I make this point because the person we are about to confirm as Secretary of State will be, aside from the President of the United States, the most prominent spokesperson, the most prominent diplomat making the case for the United States of America and for each of us on this Senate floor as proud Americans. And it is very important, now that we have had a full discussion of arguments on deficiencies, things we must do better, institutions we must improve, simply to note how important it is to the world to have confidence we know what we are doing and that we are prepared at least to continually discuss this in the same candid way we have done, but then to come together and say this is our President, this is our Secretary of State, this is our policy.

I am very hopeful that the vote for Dr. Rice will be a very strong vote. I do not depreciate for a moment the right or desire of those who may have a heartfelt need to say no. That is a great privilege we all exercise. But a lot is at stake today in saying yes, and saying yes together in as large a number as we can muster when the roll is called is important because this is a person who will be Secretary of State, and this is a vote that will be memorable. It is not in any way a trivial pursuit or time of fractious odds or a time to be spoilers. This is for our country at a time to be the very best we can be as Senators.

I have reiterated the record of our hearings and I have appreciated very much the cooperation and, beyond that, the friendship of the distinguished ranking member, Senator BIDEN, because the both of us have shared from time to time with witnesses who have come before our committee considerable anxieties about the policies they were pursuing or some they were not pursuing, or questions we were raising we felt they perhaps had not been raising and that they should. By my best count, in the last 2 years, we have had 23 hearings on Iraq. That is a lot of quality time devoted by good administration witnesses and other experts, as well as by Senators, as I mentioned, in the long hearings we had with Dr. Rice, and in the almost 200 questions raised before the hearing and another 200 during the hearing. This is a lot of questioning, a lot of information, a big record. So we took this seriously, all 18 of us, plus Senator FEINSTEIN of California, who introduced Dr. Rice to the committee

to begin with. Senators have taken it very seriously on the floor.

In my opening comments, I mentioned that at least 22 Senators spoke yesterday and many spoke at length, with very sincere tributes to Dr. Rice. Some of the Senators had very sincere questions about where we are going and what we ought to be doing. But those preliminaries are over. We come now to the moment of decision, and I hope and pray that the vote will be a strong one for a candidate who in fact can be a champion for us. Her entire life story, which has been touched upon, but only barely—and perhaps this is a tribute to our next Secretary of State, that we did not dwell on biography, although it is a dramatic one out of Birmingham, AL. We did not dwell on racial background or on the fact that a lady is going to be Secretary of State. We did not get into many of the divisive arguments we often have as to where somebody comes from and what their background is.

Dr. Rice was taken seriously from the beginning of the hearings and throughout this debate as a world statesperson who knows a great deal, who is extraordinarily intelligent and dedicated to this country and extraordinarily courageous in speaking out as she has.

I add all this simply to say that I am hopeful Senators will vote for Dr. Rice when we vote soon.

I will yield the floor in the hopes that our leader and the distinguished minority leader will have an opportunity to make comments before the Chair calls for the roll.

I yield the floor.

Mr. REID. Mr. President, I yield 1 minute of leader time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 1 minute.

Mr. BIDEN. Mr. President, I don't speak for those who are going to vote no today. But I think the irony here is that their no vote is a demonstration of how clearly we are united on one point: We want to win in Iraq.

The reason they are voting no is they believe Dr. Rice has misled, in many ways, and as a consequence undermined our ability to succeed. I choose to believe and take the opposite view. But I want to make it clear that those who say no today are actually doing a service to the Senate and possibly making it less likely that the Secretary of State will be less candid with us, or not as candid as she has been in the past. I think the no votes are likely to encourage candor, because that is what it is about. They are voting no in large part because they think she has not been candid and has undermined our ability to succeed.

I look forward to working with Dr. Rice. I suspect there will be an overwhelming vote. Please don't read a no vote as not being united in the effort to win in Iraq. That is why some of my colleagues are voting no; they think she has undermined our ability to win in Iraq. I choose to differ with them, but we do not differ on the point that we need to succeed in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, is all time used or yielded back?

The PRESIDING OFFICER. The Senator from Indiana has 5½ minutes remaining.

Mr. LUGAR. Mr. President, the Chair has noted we have 5 minutes. We are hopeful of seeing our leader.

Mr. REID. Mr. President, he is here. He is waiting for my remarks to conclude.

Mr. LUGAR. I will yield back our time and then the leaders may proceed.

Mr. REID. Mr. President, Senator LUGAR and Senator BIDEN set a great example for the rest of the Senate in the way they handled this most important issue before this body and the way they handled that committee in general. I admire and respect both of them.

But I do say to the distinguished Senator from Indiana, I listened closely yesterday to the remarks and I read some of them today. The remarks yesterday were troubling to me because most all of the remarks yesterday criticized us—that is, the minority—for having this debate, saying why didn't we complete the debate last Thursday when the President was inaugurated.

The philosopher Voltaire once said, ''I may disagree with what you have to say, but I shall defend, to the death, your right to say it.'' Every American who goes to school has seen that quote because it reflects our most deeply cherished values and beliefs. Americans believe in freedom of expression. We believe in democracy. We believe in debate. That is why I have been disappointed that the administration and most of the Republicans in this body have attempted to stifle debate on the nomination of Condoleezza Rice to be Secretary of State. This job, this Cabinet office, is the most powerful and important position in this or any administration. In my years in the Senate, I have studied our rules and procedures, and I have studied them closely. I have come to know them pretty well.

In my years on this Earth, I have studied the qualities and values that I believe will help us become better people. One of those is fairness—basic fairness. I have tried to uphold that value the best I can. So between my knowledge of the Senate rules and my belief in the importance of fairness, I know that we should be debating this nomination. It is our job in the Senate to debate matters of importance to the American people.

We are a deliberative body. We are the Senate of the United States. Our Founding Fathers meant for us to carefully consider the matters brought before us and make sure that our Government does not act irrationally and without a plan and a vision for this country's future. It is a matter of fairness that those who have concerns about Dr. Rice be allowed to express them. Silence is not an important part of American history, but debate is. ''Shut up and vote'' is not democracy. It is especially important that we hold debate on Dr. Rice's nomination because of the importance of the job for which she is being considered.

Our Secretary of State will be handling our foreign policy at a time when we are at war and when our friendships and traditional allies have been strained. In Iraq and Afghanistan and around the world, Americans face enormous threats and challenges every day. About 1,400 Americans have died so far in Iraq, and more than 10,000 have been wounded, many grievously wounded. Today, 31 Marines died in 1 incident in Iraq. An estimated 40 troops have died in the last 2 days.

The American people have questions and should have questions, and have concerns and should have concerns, about our plan in Iraq. Those questions deserve answers and those concerns deserve to be addressed. That is what the Senate should be doing. That is what we are all about—asking questions on behalf of the American people. Instead, people such as the Senator from West Virginia and the Senator from California have been criticized for not rubberstamping this nomination. I don't think that is appropriate.

Nothing will matter more to the safety and security of our country than our foreign policy decisions over the next few years. If any nominee deserves scrutiny and rigorous debate, it is the nominee for Secretary of State, Condoleezza Rice.

Democrats have had 4 hours of debate on Condoleezza Rice—4 hours of debate on the most important Cabinet nomination the President, or any President, can have. Can anyone say that 4 hours of debate dealing with Condoleezza Rice for Secretary of State of the United States is too much? The American people all take longer to buy a car than what we have debated on this nomination. If you want to buy a TV set, you look around Circuit City and other places, and it takes 4 hours. Shouldn't we be able to spend 4 hours on a decision of this magnitude? I think so.

Republicans say a 4-hour debate has been a burden to the country and has been unreasonable. On the contrary, it is exactly what the Founding Fathers contemplated with the advise and consent clause of our Constitution. Debate—vigorous debate—is an American principle of democracy, a principle that is in our national interest, our national security interest and, of course, our foreign policy interests.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in 2 or 3 minutes, we will have a historic vote in the Senate Chamber. We are about to confirm Dr. Condoleezza Rice, the first African-American woman to become

Secretary of State. It is a proud moment for this Senate and indeed for the American people. Dr. Rice has served her country with distinction and she has served her country with honor. She has been a steady and a trusted confidant to two Presidents, and as Secretary of State she will apply her long experience and extraordinary skill to meet the greatest challenges of our time—fighting the war on terror and advancing democracy around the globe.

Dr. Rice possesses this rare combination of management and administrative experience, policy expertise, academic scholarship and, not least important, personal integrity and character. Yes, I am disappointed that Dr. Rice's nomination was caught up in partisan politics. While I recognize my colleagues' right to debate the President's nominees, Dr. Rice's obvious qualifications have never, ever been in doubt. Nor was it ever in doubt that a large bipartisan majority would vote to confirm her, which we will see in a few moments. Partisanship has its time and place, but we are at this point in time a nation at war. We need the strength of all of our resources to fight and win. I am disappointed that others on the other side of the aisle have taken this moment to wage a partisan campaign. But it is time for all of us to move on, and we indeed will move forward with this vote.

I look forward to working with Dr. Rice to meet those challenges ahead and I congratulate her on a historic achievement.

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

The PRESIDING OFFICER (Mr. GRAHAM). Is there a sufficient second?

There is a sufficient second.

Mr. FRIST. I thank the Chair.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Condoleezza Rice, of California, to be Secretary of State?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Montana (Mr. BURNS) and the Senator from New Hampshire (Mr. GREGG).

Further, if present and voting, the Senator from Montana (Mr. BURNS) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas, 85, nays, 13, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—85

Alexander	Bunning	Coleman
Allard	Burr	Collins
Allen	Cantwell	Conrad
Baucus	Carper	Cornyn
Bennett	Chafee	Corzine
Biden	Chambliss	Craig
Bingaman	Clinton	Crapo
Bond	Coburn	DeMint
Brownback	Cochran	DeWine
Dodd	Landrieu	Santorum
Dole	Leahy	Sarbanes
Domenici	Lieberman	Schumer
Dorgan	Lincoln	Sessions
Ensign	Lott	Shelby
Enzi	Lugar	Smith
Feingold	Martinez	Snowe
Feinstein	McCain	Specter
Frist	McConnell	Stabenow
Graham	Mikulski	Stevens
Grassley	Murkowski	Sununu
Hagel	Murray	Talent
Hatch	Nelson (FL)	Thomas
Hutchison	Nelson (NE)	Thune
Inhofe	Obama	Vitter
Inouye	Pryor	Voinovich
Isakson	Reid	Warner
Johnson	Roberts	Wyden
Kohl	Rockefeller	
Kyl	Salazar	

NAYS—13

Akaka	Durbin	Lautenberg
Bayh	Harkin	Levin
Boxer	Jeffords	Reed
Byrd	Kennedy	
Dayton	Kerry	

NOT VOTING—2

Burns	Gregg

The nomination was confirmed.

Mr. FRIST. Mr. President, we have just had a historic vote in the Senate. By an overwhelming bipartisan majority, 85 to 13, the Senate has voted to confirm Dr. Condoleezza Rice, the first African-American woman to become Secretary of State. It is a proud moment for the Senate and for the American people.

For the information of our colleagues, under our previous agreement we will proceed with Secretary-designate Nicholson. We have a short time agreement. Then we will have a voice vote, followed by Secretary-designate Leavitt. Then, shortly after that, I am hopeful we can proceed with Secretary-designate Bodman.

There have been no requests for rollcall votes on any of those three. If that is the case, we would not expect to have rollcall votes later today.

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the President will be notified that the nominee has been confirmed.

NOMINATION JIM NICHOLSON TO BE SECRETARY OF VETERANS AFFAIRS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Executive Calendar No. 5, which the clerk will report.

The legislative clerk read the nomination of Jim Nicholson, of Colorado, to be Secretary of Veterans Affairs.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes equally divided between the Senator from Idaho and the Senator from Colorado.

Mr. CRAIG. Madam President, I have been joined by my colleague, Senator AKAKA, the ranking member of the Committee on Veterans' Affairs, to comment briefly on the President's nomination of Ambassador Jim Nicholson to serve as Secretary of Veterans Affairs.

Mr. Nicholson is a man of considerable character and accomplishment. I am pleased to speak in support of his nomination to serve in this critical post. I am pleased the Senate Committee on Veterans' Affairs, a committee of which I am the newly elected chairman, approved this nomination Monday at the committee's initial meeting of the 109th Congress.

The President has asked Jim Nicholson to accept one of the more difficult jobs in Washington; that is, running the Department of Veterans Affairs. In the best of times this is a tough assignment. In times like the ones we are now entering, times within which the rate of the growth of the VA's budget will likely slow, but also within which the needs of the service members returning from Iraq and Afghanistan, must and will be met, is a tougher assignment, still. I am highly confident, however, that the President has found the right person for this job.

Let me summarize Jim Nicholson's background. He was born in 1938 to modest circumstances on a farm in Iowa. He left that farm in 1957 to attend the U.S. Military Academy at West Point. After graduation in 1961, he served for 8 years in active service in the Army. He was a ranger and a paratrooper and served a tour in Vietnam from 1965 through 1966 where he earned, among other declarations, the Bronze Star, the Combat Infantryman's badge, the Air Medal, and the Vietnamese Cross of Gallantry.

After returning from Vietnam in 1966, then-Captain Nicholson continued to serve on Active Duty for more than 4 years, followed by an additional 22 years as a Reserve officer. He retired from the Army Reserve in 1991 at the rank of colonel.

While in Active and Reserve service, Mr. Nicholson obtained two advanced degrees, a BA in public policy from Columbia University and a JD from the University of Denver. After practicing law for a relatively brief period in Denver in the 1970s, he launched a very successful real estate development career. Among other positions, he served as chairman and president of Renaissance Homes of Colorado. His business career was also marked with extensive community and charitable activity.

In 1986, Jim Nicholson became a committeeman for the Republican Party's national committee. In 1993, he was elected the Republican National Committee's vice chairman, and then he was elected for a 4-year term as chairman of the Republican National Committee. It was during these years at the helm of the RNC, I grew to know and admire Jim Nicholson. His accomplishments since that time have only increased my respect for the man.

In August of 2001, President Bush appointed Mr. Nicholson U.S. Ambassador to the Holy See, the Vatican. From that post he has advocated for religious reconciliation, for religious freedom in China and Russia, and against the international exploitation and enslavement of defenseless persons, commonly referred to as human trafficking.

He has, as well, ably represented the interests of this Nation to this vital diplomatic post in a period of wartime. He has done so by all accounts with great diplomatic skill and steadfastness of the purpose that he was sent to serve.

Veterans are fortunate a man so well-known and respected by the President of the United States will serve as Secretary. I am pleased the Committee on Veterans' Affairs, in its first official business meeting of the 109th Congress on Monday, unanimously approved this nomination.

I ask my colleagues to ratify the judgment they were expressing. VA needs a steadfast hand in Jim Nicholson. I hope all of my colleagues will feel similar to those on the Committee on Veterans' Affairs.

This is not to suggest that VA has lacked a steady hand at the tiller. To the contrary. The stewardship as VA Secretary of former Naval Officer Anthony, or as we came to know him, Tony Principi, has been by any standard one of exceptional merit and distinction. It is a rare Secretary, indeed, who departs from this sensitive post with the words, I believe, that can be expressed about his service as ''job well done.'' Veteran service organizations, leaders from the hill, and other bodies all critically concerned about veterans affairs recognize that Tony Principi managed his job extremely well, and he has managed it while leading VA with impeccable integrity, absolute fairness and objectivity, and unflagging willingness to listen to all affected constituents and an extraordinary sensitivity to the needs and concerns of ordinary rank-and-file veterans.

When the history of the VA is written, Tony Principi will be judged as one of the agencies titans. More importantly, he will also be judged by the ordinary former enlisted men and women whose needs he never lost sight of. On behalf of those persons, I salute the now retiring Secretary, Tony Principi.

I say to my colleagues, I believe Jim Nicholson to be a titan in the making. He has all of the qualities that our President recognized, that the Committee on Veterans' Affairs recognized, as one who can adequately and most appropriately serve this very important agency of our Government and its millions of constituents. I ask the Senate to support the efforts of the Committee on Veterans' Affairs in bringing this nomination to the Senate.

I yield the floor and recognize my colleague and ranking member of the committee, Senator DAN AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I rise as a ranking member of the Committee on Veterans' Affairs. I do it with great expectation and look forward to working with my friend, Chairman CRAIG from Idaho. I look forward to working with the committee. We held our first meeting yesterday, and I would say that it was a great meeting and a good beginning for the committee.

I am also pleased to support the nomination of James Nicholson to be Secretary of Veterans Affairs. If confirmed, Ambassador Nicholson will have the responsibility of steering the Department of Veterans Affairs through a period of great transformation.

I recently had a chance to meet with Ambassador Nicholson and to discuss the many challenges he will face in guiding VA through this critical period. I have also had the opportunity to read his answers to prehearing questions that I submitted to him and also to hear his testimony at the January 24, 2005, hearing of the Senate Committee on Veterans' Affairs on his nomination. I believe Ambassador Nicholson has the commitment and has the drive and fortitude to maintain America's special obligation to our veterans.

I know with his years of service to this Nation at West Point, in Vietnam, and as Ambassador to the Holy See, Ambassador Nicholson is familiar with the importance of the leadership role he will soon assume at VA. We expect him to hit the ground running to tackle VA's many challenges. And, of course, we will be there to work with him.

It is widely known that on the health care side, VA is facing a crisis situation. In recent years, millions of veterans have come to VA for the first time. As I said yesterday to my colleagues, I think it is good news that millions have turned to VA for care. Some, however, believe we can deal with the burgeoning demand by reducing who is eligible for care. For me, however, this is not the answer. I hope Ambassador Nicholson will see the merits of keeping a full and open system.

In addition to providing basic primary care, the VA system offers programs of enormous value, especially for veterans who are blind or have spinal cord injuries, who need prosthetic devices, or who require dependable mental health care. We must retain these specialized services and, at the same time, ensure that all veterans can have access to the care they have earned through their service.

The VA research program will need some attention as well, as many of our finest physicians chose to come to VA so they can conduct research. Keeping the research program viable is tremendously important. Ambassador Nicholson has his work cut out for him in this regard.

In the past, the Veterans Benefits Administration has come under fire for the lack of timeliness of its claims processing. While VBA has made progress in improving timeliness and accuracy of disability claims processing, further improvement is needed. Notably, VBA has turned its attention to decreasing the amount of time it takes to process a claim and taken its focus off appeals. A more balanced approach must be reached.

We will be looking to Ambassador Nicholson for innovative approaches so that VBA can absorb changes in law and new business processes without always going into a nose dive. Our veterans deserve no less than quality workmanship done in a timely manner.

Ambassador Nicholson's nomination process has been fairly expedited because VA's pressing needs require a new Secretary immediately. However, my committee will continue its strong oversight of the Department, and I encourage other Members to work with us in this endeavor.

Madam President, in my view, Mr. Nicholson is ready for the challenges of this important position. He will bring to it his many experiences as someone who himself served as well as his sincere commitment to the well-being of his fellow veterans. I ask my colleagues to approve this nomination.

Madam President, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me say forthrightly that we have the Ambassador's nomination on the floor today because of the cooperation of the ranking member, and I greatly appreciate that. Both he and I have reviewed what we believe is the mission of the committee. We are very excited about the work we will do in the coming years to help our veterans and work on their behalf through this important committee. I thank him for his cooperation.

Madam President, I yield to our colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, first of all, I thank the chairman and ranking member for moving forward with the confirmation of Jim Nicholson to be the new Secretary for the Department of Veterans Affairs. I congratulate them both on assuming their responsibilities as chairman and ranking member on the Veterans' Affairs Committee.

Madam President, I rise today in strong support of President Bush's nominee for Secretary of Veterans Affairs, Mr. Jim Nicholson. I have known and worked with Jim for years in the State of Colorado, and I am proud President Bush has nominated him for this post.

As a West Point graduate, Army ranger, highly decorated combat veteran, and almost 4 years of service as the Ambassador to the Holy See, Mr. Nicholson is well prepared and highly qualified for the duties as the head of the VA. He brings a strong work ethic to his new responsibilities.

Born during the Great Depression, as the third child of seven, Jim Nicholson grew up on a tenant farm in rural Iowa. Both he and his older brother Jack earned appointments to West Point while struggling as a farming family in the Midwest.

Prior to Jim's appointment, his brother returned home from school for

the summer, and his family could not find enough money to send Jim back to New York for the start of his new term. In order to solve this problem, a 15-year-old Jim Nicholson took it upon himself to find a job building railroads through his home State of Iowa. By working as long as 19 hours some days, Jim was able to not only earn enough money to send his brother back to West Point, but also was eventually able to buy his father a used car so he could look for work.

These virtues that Jim displayed as a youth—work ethic, self-sacrifice, and determination—are the very qualities which will allow him to excel in the President's Cabinet.

As a West Point graduate and decorated veteran, this former Army ranger also has the personal experience in the Armed Forces that will serve his new constituency well. During his service in the Army, Mr. Nicholson fought in the Vietnam war and was a highly decorated soldier. He was awarded the Bronze Star, the Combat Infantry Badge, a Meritorious Service Medal with Oak Leaf Cluster, the Vietnamese Cross for Gallantry, and two Air Medals while spending 8 years on Active Duty and 22 years in the Army Reserve before retiring as a colonel.

Clearly, Senator Nicholson's qualifications after his Army career are just as impressive, including his advanced degrees, starting a successful real estate business, numerous community volunteer efforts throughout Colorado, and finally culminating in his service as an Ambassador to the Holy See. This is a man who has been asked to serve his country in a new capacity and who will answer that call with his own sense of duty and honor.

I urge my colleagues to confirm Jim Nicholson as our next Secretary of Veterans Affairs.

Madam President, I yield the floor.

Mr. DURBIN. Mr. President, today we consider President Bush's nominee to serve as Secretary of Veterans Affairs. At a time when America's men and women in uniform are not only serving but actively fighting in combat, this is a particularly significant nomination for us to consider. This nominee will be responsible for managing the benefits for our longtime veterans as well as those who recently have served and sacrificed for us all.

Those who have served in uniform deserve our Nation's deepest gratitude. Beyond gratitude, we, as a nation, have committed to providing our veterans with certain benefits and services which they deeply deserve in honor of their sacrifice for our common good. These benefits can never fully repay America's debt to her veterans but they are an important expression of our thanks and commitment to their well-being.

Sadly, the delivery of these benefits and services has been less than optimal. Every day, deserving veterans wait too long and wade through needless redtape before receiving the help to which they are legally and morally entitled.

I am also particularly concerned about the vast disparities in the VA's compensation payments to disabled veterans and the way the current system shortchanges disabled veterans in my State of Illinois.

Illinois now ranks 50th in the Nation in average veteran's disability compensation. While the veterans in some States receive a statewide average disability payment of $10,000 to $11,000 per year, veterans in other States—including Illinois, Ohio, Michigan, Virginia, New Jersey and others—receive statewide average disability payments of less than $7,000 a year. This wide inconsistency should not exist. America's veterans deserve better. The ability of veterans to receive fair and just compensation for service-related disabilities should not depend on where they happen to live.

Unfortunately, this disparity has been left uncorrected for several years. In 2001, the Department of Veterans Affairs' Claims Processing Task Force questioned the consistency of decisions because of factors such as differing interpretations of VA guidance. Then, in 2002 the Government Accountability Office reported that the VA was not systematically assessing decision-making consistency for any specific medical impairments, despite concerns about possible inconsistencies in disability claims decisions made by the VA's 57 regional offices. In that same 2002 report, GAO expressly recommended that the VA assess decision-making consistency for medical conditions requiring difficult judgment. The GAO even suggested a way to do this. The VA could develop hypothetical claims for a specific medical impairment, distribute these claims to multiple adjudicators, and then analyze the variations in the resulting decisions on these claims. These findings and recommendations went unheeded at the Department of Veterans Affairs. This past November, a new GAO report on the consistency of decisions at the VA found that since the issuance of the 2002 report, the VA still had not systematically assessed the consistency of regional office decisions.

Several Senators have joined me in raising this issue with the current Secretary of Veterans Affairs, Secretary Principi. As a result of our expressions of concern, the Inspector General of the Department of Veterans Affairs is currently conducting a review of the Veterans Benefits Administration's system for rating disability claims to determine the reasons for these nationwide differences.

Because the national disparity in veterans disability compensation hits Illinois especially hard, Senator OBAMA and I met with Ambassador Nicholson soon after his nomination to serve as the next Secretary of Veterans Affairs. In our meeting, he indicated to us that he was already aware of the concerns raised about inconsistent decisions at the VA and the ongoing Inspector General review into the matter.

America's veterans deserve our deepest gratitude. They also deserve a benefits system that is managed in a competent manner so that it produces fair, even and consistent decisions. I will continue to press for action to address the flaws of the current system that leave Illinois veterans shortchanged. I look forward to working with Mr. Nicholson to ensure that our veterans receive all the benefits to which they are entitled.

Mr. HATCH. Mr. President, today I rise in strong support of the nomination of R. James Nicholson to be Secretary of Veterans Affairs.

At the outset, I would like to thank Mr. Nicholson's predecessor, Anthony Principi, for his service to our Nation's veterans. John Furgess, the National Commander for the Veterans of Foreign Wars, said it best when he described Mr. Principi's service to our country. He said that Secretary Principi:

> is a true veterans' advocate . . . [who] constantly challenged his staff to improve their services to America's 25 million veterans, and his work to address the needs and concerns of today's newest generation of veterans who are fighting the War on Terrorism typifies his vision and leadership. Secretary Principi wore his compassion and commitment to veterans on his sleeve . . . We applaud him for his service to our country and wish him and his family the best of futures. He will be missed but not forgotten.

Let me turn now to express my admiration and appreciation for the President's choice in nominating Ambassador Nicholson to lead our Nation as it strives to support the veterans who have served so tirelessly on behalf of our country. I know Jim Nicholson to be an intelligent, articulate, and decent man. As a veteran of some distinction himself, he has an excellent appreciation for the issues the Department faces. And, as an accomplished executive, he is incredibly well-suited to lead this large and important agency. These are trying times for our Nation's veterans. As the Vietnam war era veterans begin to retire in greater numbers and our veterans from the war on terrorism return, our Nation must reaffirm its commitment to those who have placed everything on the line for the cause of freedom. I believe that Ambassador Nicholson is an excellent choice to lead our Nation's effort to maintain the sacred covenants between the Nation and its veterans.

A man from humble beginnings, Ambassador Nicholson rose to graduate from West Point and become an Army Ranger who served his country during the Vietnam war. During that conflict, he proved his courage in battle and earned the Bronze Star, the Meritorious Service Medal with Oak Leaf Cluster, the Vietnamese Cross for Gallantry, two air medals, and, of course, the Combat Infantry Badge. His service to his country did not end there. He went on to serve for 22 years as an Army Reservist, retiring with the rank

of colonel. Along the way he received a master's degree in public policy from Columbia University and a law degree from the University of Denver. In Denver, he established a reputation as a highly qualified attorney specializing in real estate, municipal finance and zoning law before becoming a highly successful residential real estate developer.

However, his call to service did not end with his years of military service, Ambassador Nicholson entered politics and was elected chairman of the Republican National Committee. His tenure secured him a reputation as a person of the highest ethics and his current position as Ambassador to the Holy See has been a success.

I feel quite confident that those same skills that made Ambassador Nicholson a successful businessman and ambassador will ensure that our veterans receive the support and care they deserve while maximizing the efficiency of this Department.

Therefore, Mr. President, I hope that I will be joined by my colleagues on both sides of the aisle and quickly confirm Ambassador Nicholson to this vital post.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of Jim Nicholson to be Secretary of Veterans Affairs. I believe Ambassador Nicholson's 30 years of military service make him an excellent choice to lead the Department of Veterans Affairs. Jim Nicholson's leadership is particularly important as our brave men and women in uniform once again serve the cause of freedom in the fight against terrorism around the globe.

Jim Nicholson has served his Nation faithfully and ably for the majority of his lifetime. I believe his great diversity of experience will be of the utmost benefit to the Department of Veterans Affairs and our veterans. We as a nation have a commitment to our veterans. They and their families have made countless sacrifices to serve in our country's defense, and we have a duty to provide for their needs. Jim Nicholson's leadership of the Department of Veterans Affairs will help us honor this obligation.

Jim Nicholson graduated from the U.S. Military Academy at West Point in 1961, becoming an Army Ranger and a paratrooper. He went on to serve during the Vietnam war. While in Vietnam, he earned the Bronze Star, the Combat Infantry Badge, the Meritorious Service Medal, and the Vietnamese Cross for Gallantry. After his 8 years of active service as a Ranger, Jim served 22 years in the Army Reserve, retiring with the rank of full colonel.

Jim Nicholson has been an esteemed chairman of the Republican National Committee and for the past 3 years he has served as the U.S. Ambassador to the Vatican. Jim holds a master's degree in public policy from Columbia University and a law degree from the University of Denver. On top of these vast achievements, he has been a successful businessman and community volunteer.

In conclusion, I believe the President has chosen the right person to lead the Department of Veterans Affairs in its very important work, and I strongly support the nomination of Jim Nicholson.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, to my knowledge there is no one else who has requested time to speak on behalf of this nominee. My colleague has yielded. I yield back the remainder of our time and ask for the vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jim Nicholson, of Colorado, to be Secretary of Veterans Affairs?

The nomination was confirmed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

NOMINATION OF MICHAEL LEAVITT

Mr. BENNETT. Madam President, I understand we are going to soon be voting on the nomination of Mike Leavitt to be the Secretary of Health and Human Services. I have the privilege of being one of Mike Leavitt's friends, one of his political associates, and one of his strongest supporters. I introduced him to the committee at the time of his confirmation hearings. I don't want to add much to the comments I made there, but I do want to take the occasion to note the Senate action with respect to his confirmation and to assure my colleagues here in the Senate, as well as any who might be listening, that the United States is very fortunate to have a man of Mike Leavitt's stature available to us to serve in this important Cabinet-level position.

He served as a Governor but as a Governor who was very innovative in many of the areas where innovation will be called for in his new assignment. He served as a business executive, building a business, growing a business, helping a business to survive. He understands the impact of extra taxes on small businesses, and he will be appropriately prudent, not only in the way he spends money but in the way he promulgates regulations that can impact small business.

He and his wife Jackie are beloved throughout Utah. He is one of only two men ever to be elected to three successive terms as Governor in the history of the State, and there are those who believe that if he had decided to seek a fourth term, he would have received it without much difficulty. He retired with a very high approval rating. He brings that, plus the performance in his position as the Administrator of the Environmental Protection Agency, to his new assignment.

On behalf of the people of Utah, I wish him well, and I urge my Senate colleagues to give him unanimous confirmation. He will be a superb Secretary of Health and Human Services.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I note that we are in a quorum call. As a member of the Finance Committee, I am going to speak in favor of the Leavitt nomination to outline some of my concerns.

The PRESIDING OFFICER. The Senate is not in a quorum call.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Madam President, I note that the chairman of the Senate Finance Committee and the ranking minority member will be here shortly to speak on the Leavitt nomination. Until they get here, I thought I would summarize my thoughts concerning this nomination.

I come to the Chamber to speak in favor of Mike Leavitt to head the Department of Health and Human Services.

I want to begin my brief remarks by talking about the importance of bipartisanship in the health care field and to note that at the end of the last session of the Congress, there was a bipartisan failure in the health care area, in my view, of enormous ramifications. At the end of the last session of the Congress, the Congress failed to provide the funding necessary for the office of Dr. David Brailer, who is, in effect, the national health care technology point man, to try to modernize decision making, record keeping, telemedicine, and other crucial matters in the health care field. His office, as a result of this bipartisan failure by the Congress, was essentially defunded. So what you have is a situation where both political parties talk a big game about health information technology, or IT. You hear senators of both political parties saluting the promise of this exciting field and talk about how committed they are, but the response of the Congress was to essentially defund it. So rhetoric has been in abundance; concrete support has been lacking.

I come to the Senate floor to say I very much hope—and Mike Leavitt has a great interest in health information technology—that this deficiency is corrected in this upcoming Congress because otherwise there will be great consequences.

First, I am concerned that as we see the move towards electronic medical records, these records and the placement of them is not being done in a fashion that will promote interoperability so that they are best in a position to be coordinated and maximize their value. They simply are not interoperable. It is a very significant concern. If we are going to see this trend toward electronic medical records and not take the steps to promote interoperability, that will be a very serious deficiency as we set up the new system and will cause a great deal of confusion.

Second, I am very concerned that in the information technology area, the big and powerful figures, be they high-tech companies or medical clinics, will be able to do this work, but it is not going to be done by the small physician offices and clinics. Dr. Brailer's office was the office that was in a position to give incentives to help those small offices go forward. That work is not being done.

Third, the very promising aspect of health technology has been in the area of regional offices, and now we are not seeing the funds that are necessary for those regional offices as well.

The Congress essentially zeroed out the money that Dr. Brailer needed. It was a modest amount, $50 million. My sense is to really promote health information technology, it is going to take much more significant sums, but to have this body on a bipartisan basis constantly talking about the value of health information technology and then taking the one program that would make a difference and zeroing it out is just unconscionable. Both political parties have let down what needs to be done in this critical area.

I see the chairman of the committee. I know he is very interested in health information technology, as is Senator BAUCUS. I hope to lead a bipartisan effort in this session of the Congress to ensure that Dr. Brailer's office gets the funds that are necessary.

The last couple of points I would make in support of the Leavitt nomination: First, on the question of Medicaid, Mike Leavitt told me, in response to a question I asked, that there was no plan to send a block grant proposal to the Congress. That was welcome news. But he left an awful lot of wiggle room in terms of the details, and so bipartisan concerns remain, concerns by the governors as well, about what is to come.

As one Senator who specializes in this field, I send a message that I am very supportive of the concept of health care waivers. I think that kind of flexibility is certainly a plus. We in Oregon have used them in a humanitarian way, to get better quality care to people for services that are medically effective. But there is a big difference between waivers that are borne out of a desire to use flexibility to serve people and a block grant proposal which just sets an arbitrary cap and cuts people off.

Finally, I want to talk about the importance of working in a bipartisan way to contain costs for prescription drugs under the new Medicare law. As one who voted for that law, believing it was important to get started, I said then that the next step has to be to put in place a real cost containment effort that looks particularly to the private sector. Senator OLYMPIA SNOWE, who serves with great distinction on the Finance Committee, will be introducing legislation with me next week that will say we are going to use private sector forces, marketplace forces, to hold down the costs of prescription drugs in our country. For the life of me, I cannot figure out why Weyerhauser, a big timber company, or an auto company, or a steel company, or any other big concern, has marketplace power to hold down the cost of medicine but the Medicare Program does not. In fact, I don't know of a single buyer in the private sector who, after they purchased a certain volume of a particular commodity, looks to buying another commodity and then doesn't ask for a discount, doesn't ask for some kind of benefit as a result of using their marketplace power.

So I am very hopeful. Mike Leavitt indicated last week he was open to discussions in this area. Certainly, again, there were no details discussed, but he showed a flexibility that I found welcome.

I see the chair and the ranking minority member here. I don't want to detain them. I urge the Senate to approve the nomination of Mike Leavitt when he comes up for a vote. I thank the chairman of the committee, Senator GRASSLEY, and the ranking minority member for their indulgence so I could make these comments.

I yield the floor.

NOMINATION OF MICHAEL O. LEAVITT TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the Executive Calendar, which the clerk will report.

The assistant legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate on the nomination.

The Senator from Iowa, Mr. GRASSLEY, is recognized.

Mr. GRASSLEY. Madam President, in the tradition of the work of the Senate Finance Committee—and that is basically described in one word, bipartisanship—we bring this nomination to the floor. We bring it with the unanimous approval of everybody on the committee, saying that Governor Leavitt should be the Secretary of Health and Human Services. He is a person who is very well qualified for this position, and we look forward to working with him on all of the quality-of-life issues that come before Congress, whether they deal with Social Security, Medicare, Medicaid, welfare—issues that are under the jurisdiction of this new Secretary to administer, and issues that are under the jurisdiction of the Senate Finance Committee for oversight.

During his tenure as Governor, he reduced the number of uninsured children through his work on the Children's Health Insurance Program, he made significant improvements to the child welfare system, and he significantly increased the number of those with health insurance coverage. So some of the things he has done as Governor are some of the things that we are working on in this committee, and some laws are already passed. He will have a chance to continue his good work on these issues in conjunction with us as a committee and directly himself as Secretary of Health and Human Services.

I am not alone in my high estimation of Governor Leavitt. The people of Utah recognize his strong leadership capabilities in reelecting him to three consecutive terms as Governor. Certainly big challenges lie ahead for this Department, as it does for our committee, and strong leadership in that Department is needed. I am glad it comes with Governor Leavitt.

First and foremost, there are an estimated 45 million Americans who lack basic health coverage, and those numbers seem to have been increasing every year. As Secretary, his leadership will be called upon to propose innovative ways that we can help contain costs and increase access to health insurance and the health care resulting from that insurance.

The Medicaid Program will also be a key issue this year. Medicaid provides health care coverage and benefits for low-income individuals and families. It is now the largest Federal care program in terms of total spending and served about 51,000 people in 2002.

It was originally enacted in 1965, and many have suggested it has not kept up with the times. Increasingly, States have been forced to rely upon what we call the 1115 waiver process to manage the program to fit the needs of their State. These waivers are negotiated with little congressional oversight. I look forward to working with Governor Leavitt to ensure that the Medicaid Program is functioning as effectively as it ought to function.

There is the issue of SCHIP, the State Children's Health Insurance Program. Madam President, $1.1 billion in SCHIP allotments expired last year and were returned to the Treasury. In addition, there are anywhere from 4 million to 6 million children currently uninsured who could qualify for this program.

Over the next 3 years, a growing number of States, including my own State of Iowa, are projected to consume their Federal SCHIP allotment.

When this happens, they will lack the Federal funds necessary to provide their current level of coverage and also the level of benefits for low-income children.

We need to recapture the $1.1 billion in SCHIP funds, increase our outreach effort to enroll more children, and revitalize the SCHIP program so it is on firm financial footing.

Finally, we need to enact improvements to the 1996 welfare reform bill. We have debated this issue now for 3 years. It is time for action. The numerous short-term extensions are disruptive to the program. I look forward to working with Governor Leavitt to get a welfare bill sent to the President this year. I think that process is starting with the usual bipartisan cooperation between Senator BAUCUS's side of the aisle and his leadership and the Republicans who I lead.

The Department also has the important job of implementing the new Medicare prescription drug benefit. Under Dr. McClellan's leadership, the Centers for Medicare and Medicaid Services has accomplished an impressive workload over the last year.

Dr. McClellan and the staff at the Centers for Medicare and Medicaid Services are to be commended for their long hours, hard work, and, most importantly, a dedication to doing the best they can.

This is a crucial year for the drug benefit that was passed and signed by the President in 2003. I look forward to working with the Governor on this particular issue and continuing the close working relationship with Dr. McClellan.

Medicare still faces significant challenges to be sure. Medicare spending grew by 5.7 percent in 2003, and as spending continues to increase, there is a growing need to restrain its growth.

Many have said rising costs and health care can be contained and health care quality improved by paying providers based on their performance and by utilizing health information technology.

The Department has taken significant steps to reduce health care costs and provide better care through chronic care management initiatives and additional preventive benefits that were in the 2003 legislation.

The Department also called upon Dr. Brailer, as the National Coordinator for Health Information Technology, to develop, maintain, and oversee a plan focused on a nationwide adoption of health information technology in both the public and private sectors.

Bringing these initiatives together to reward quality and efficiency while reducing medical errors and duplication will be one of the major undertakings in health care over the next decade, and strong leadership at Health and Human Services is needed to make that happen.

Another issue on which the Governor's leadership is needed is the importation of prescription drugs from Canada and other developed nations. That surely is a controversial issue that hopefully we can debate in the Senate, because the law must be changed to make that happen. American consumers are demanding lower prices for prescription drugs, and I believe that legalizing importation under conditions that ensure safety is the right thing to do.

I look forward to working with my colleagues on both sides of the aisle to craft legislation that will pass Congress and be signed by the President.

I would also be remiss if I did not address an issue that continues to be of great concern. The frail and elderly residing in our Nation's nursing homes deserve high-quality care. I am confident that with Governor Leavitt's help, we can ensure that they receive no less.

Besides these issues, the Department faces other significant challenges. I have always taken responsibility of conducting oversight over the executive branch operations very seriously, and I will continue to do that as chairman again. Government truly is the people's business, and Americans have the right to know what their Government is doing and how it spends their money. Transparency in Government, coupled with aggressive oversight by Congress, is critically important in helping to make Government transparent, more effective, more efficient, and more accountable to the taxpayers, program participants, and beneficiaries.

I am also a firm and ardent supporter of whistleblowers. Historically, whistleblowers have been key to uncovering waste, fraud, and abuse. Unfortunately, whistleblowers are often as welcome in an agency as a skunk at a picnic.

I look forward to addressing these problems with Governor Leavitt. Taking a closer look at Medicaid, SCHIP improvement, implementation of the new drug benefit, importation of prescription drugs, enactment of welfare reform, and the advancement of information technology and quality in health care as a reimbursement tool are just some of the priorities I look forward to addressing with Governor Leavitt.

I close by urging my fellow colleagues to support Governor Leavitt in his nomination as Secretary of Health and Human Services. It is a major commitment that requires personal sacrifices on many levels, although I believe Governor Leavitt and his wife Jackie are the right team for this job. I also thank President Bush for his choice of such a qualified and competent candidate.

I thank Senator BAUCUS not only for his cooperation on this effort, but we have had 4 years now of cooperative effort, and we expect that to continue. I know he is committed to that.

I yield the floor.

Mr. BAUCUS. Madam President, I thank the chairman.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I appreciate those remarks and agree with them.

I rise today to support also the nomination of former Utah Governor and current EPA Administrator Michael Leavitt to be the 20th Secretary of Health and Human Services.

As Utah's longest-serving Governor, Governor Leavitt earned the reputation as an innovator and consensus builder. He is best known for his work in Utah to expand health care coverage. While he and I may disagree on policy grounds about the Utah approach, Governor Leavitt has spoken at length about the importance of transparency, the importance of fairness and open debate, all of which are crucial to creating sound public policy.

He is a consensus builder, something that is very much needed not only in this town but in the new position he is about to have.

Governor Leavitt's leadership and social policies stretch beyond health care. He also has championed welfare reform. The Utah program fulfills many of the goals of the 1996 welfare bill, which I am proud to have helped write. It provides support for low-income families, addresses barriers faced by welfare recipients, provides education and training opportunities to support moving into sustainable employment, and ensures that struggling families receive child support.

As EPA Administrator, Governor Leavitt came out to visit my State. He came out to visit the Superfund site at Libby, MT. We are having a very difficult time in Libby. It is a huge Superfund site, one of the largest in the country. I tell Governor Leavitt, as I have many times, his visit meant a lot to me personally and to the people of Libby who have suffered a great deal because of asbestos sickness.

In short, Mr. Leavitt is a very capable leader and excellent candidate to lead this Department. We are fortunate to have his leadership, because the challenges he will face are tremendous.

This year, as Secretary, Mr. Leavitt will implement the new Medicare drug benefit and managed care reforms—no small task but an extremely important one.

The final rule to implement major provisions of the new Medicare drug law were published last week, 2 days after the confirmation hearing, I might add. I am still in the process of reviewing those regulations, but at first read, I remain concerned about the transition rule for dual eligibles and for consumer protection standards. The final rule included much needed improvements in both areas. For example, beneficiaries who are dually eligible for Medicare and Medicaid will be automatically enrolled into a drug plan. However, the timeframe for doing so is short, and it may still cause problems for many low-income, vulnerable beneficiaries.

While the final rule includes expedited timeframes for coverage decisions, it still appears drug plans will write their own appeals process.

In addition to Medicare, as HHS Secretary, Governor Leavitt will tackle Medicaid reform. Many of us in Congress anticipate an aggressive reform proposal will be included in the President's budget. It is true, as many claim, that Medicaid costs are growing, but the cost growth is due to an increase in enrollment during our recent economic downturn and for the same health care cost of inflation that affects every insurance plan. In fact, Medicaid growth is lower on a per capita basis than is Medicare growth or private insurance growth. It is lower. We should also bear in mind that Medicaid covers long-term care, something which is quite expensive.

Also, I disapprove of the administration's use of its 1115 waiver authority. The 1115 waiver authority was not intended to achieve wholesale reform of Medicaid. We have a Medicaid law. The waiver authority was not meant to undermine that law. It was meant to grant flexibility to the States but not to undermine the law. It was not intended to undermine the fundamental nature of the Medicaid Program.

I suspect the administration will want to consider Medicaid waivers, State flexibility, and Medicaid funding as part of any formal discussion.

Reauthorizing TANF is another task to add to Mr. Leavitt's growing list. We cannot continue to extend the program on a 3-month or 6-month basis, as these short month extensions have undermined the stability of the program. We have to enact and reauthorize welfare reform. We must work together on a longer term reauthorization, one that builds on the 1996 reform law.

Finally, I hope we can work together to address rising health care costs and the uninsured. The United States health system is the most expensive in the world, by far. Spending on health care in 2003 reached $1.7 trillion, which calculates out to $5,670 per person. That is about twice the next highest level in the world, which is Switzerland, and they spend half per capita than what we spend. Yet 45 million Americans, even though we spend so much more than any other country, lack health insurance. What can we do about lack of insurance and rising health care costs?

With respect to the uninsured, every major poll suggests covering the uninsured should be at the top of the congressional agenda. Yet this issue always seems to take a backseat. I think, however, that we can make progress—maybe not sweeping reform but we can address the problem incrementally, starting with areas first of general agreement.

I believe there is a consensus, for example, that we ought to start by covering low-income children and the poorest adults below 100 percent of poverty.

I have every hope Governor Leavitt, as HHS Secretary, will keep working on this, and I pledge to help him.

With respect to rising health care costs, I believe we can take important steps this year to improve health care quality and the way we pay for health care in our country. I am counting on the administration's support. I am counting on them to back up their statements and goals with funding and actions.

I have no doubt Governor Leavitt is up to the task. He has an excellent reputation, not just as Governor of Utah, not just as EPA Administrator, not just as a political leader, but as someone who is creative, who can think outside the box, and who can work with folks from all perspectives.

Governor Leavitt has my very strong support. He has my vote. I look forward to working with him as Secretary Leavitt and with the administration to address the many challenges that lie ahead for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as everybody around here knows, I strongly support the nomination of Governor Mike Leavitt for Secretary of Health and Human Services. I urge my colleagues to confirm Governor Leavitt so that he may start his work as quickly as possible.

I have known Governor Mike Leavitt for a long time, almost 30 years, and have worked very closely with him on many health issues, not just local and State health issues but national health issues as well. Governor Leavitt has a distinguished record. He is highly qualified for this job. He is bright, energetic, dedicated, and fair—all of the qualities necessary for this important position.

I say with all respect to those who have gone before him, I can think of no better candidate for Secretary of Health and Human Services or no better nominee than Mike Leavitt.

Having said that, I compliment his predecessor, Governor Tommy Thompson. To have two great Governors in a row running HHS is a credit to this administration and to the country at large. Governor Thompson has done a terrific job at HHS under very difficult circumstances. It is almost an unmanageable entity because it is so large and so important and covers so much of the wealth and costs of this Nation. Governor Thompson deserves a great deal of credit. He was a great Governor, but so was Mike Leavitt. Between the two of them, we will have a continuity that will be very beneficial to all of us.

Governor Leavitt has devoted much of his life to public service, first in Utah and more recently in Washington. He is a smart decisionmaker, a tireless worker, and a successful manager and executive. He is fair. He is knowledgeable about health care. He is a decent family man. The bottom line: He will get the job done.

As Governor of Utah, Governor Leavitt was a strong leader on issues familiar to this body: welfare reform, health care delivery, and, of course, Medicaid. During a difficult financial time for our State of Utah, Governor Leavitt was able to create a fiscally responsible budget and at the same time provide important services to lower income Utah citizens of all ages.

While Congress was working on the 1997 Child Health Insurance Program legislation, a bill that I was the prime sponsor of, I talked to Governor Leavitt frequently to get his perspective as a leader in the National Governors Association. At first he was not very enamored with the Hatch-Kennedy bill. On the other hand, I told him the final bill was not going to be exactly that bill, which was written a little more moderately than I thought it should be. I also wanted the States to have more authority and power with the CHIP program, which was more in sync with Governor Leavitt's thinking. During that time he provided me with valuable insight and has continued to do so as the program has grown.

I would be remiss if I did not also cite Governor Leavitt's great work in providing health care coverage to not only CHIP-eligible children but to lower income adults of our State as well through innovative new State health care insurance programs like the Primary Care Network.

In addition, Governor Leavitt implemented several new and innovative approaches to serving the poor. Governor Leavitt's administration was one of the first to implement a philosophy of universal engagement wherein every candidate to receive State assistance was assessed and a plan to help these individuals become self-sufficient was created. This proved to be an enormously valuable tool to helping the disadvantaged get the assistance they needed to return to the job market as soon as possible.

As in many aspects of his life as a public servant, Mike Leavitt is a visionary who cares deeply about people, exactly the type of a person we want in this position.

Finally, Governor Leavitt has been a strong supporter of the Utah Head Start Program. For many children, the Head Start Program is their first and only exposure to education and health services. There are many examples of how the Utah Head Start Program has made a dramatic difference. Let me cite a couple for my colleagues. One little girl from Utah was handed a book on her first day in the program and literally did not know how to open the book. Another child was diagnosed with a brain tumor through the Utah Head Start screening process. Surgery was successfully performed, and he returned to the program and did extremely well. Governor Leavitt has had firsthand experience at overseeing this program and therefore brings an important perspective to HHS on why Head Start needs to be continued and even strengthened.

On a personal note, I emphasize to my colleagues that Mike Leavitt is a fair man. I know him very well. He will look at all sides of an issue before making a policy decision, and my colleagues can count on the result to be the right decision. His record as both the Governor of Utah and as Administrator of EPA proves this, and he will continue to be a great leader when he becomes Secretary of HHS. I can promise my colleagues he will be an excellent leader for the programs we all support—Medicare, Medicaid, CHIP, welfare and community health centers, just to make a few.

Importantly, we can count on Mike Leavitt, along with the Administrator for Medicare and Medicaid Services, Mark McClellan, to work closely with our committee on the difficult task of fully implementing the Medicare prescription drug program next January. I might add that the jurisdiction of a Secretary of Health and Human Services is quite broad, it not only includes CMS, which handles Medicaid and Medicare among other programs, but it also includes the Food and Drug Administration and many other different programs within that department.

In my opinion, the FDA is the single most important consumer agency in the world. The FDA handles upwards of 25 percent of all consumer products in America, and the agency does an extraordinary job. However, there is more and more pressure on FDA every year to try to have a fail-safe system where no deleterious results can occur from pharmaceutical innovations. There is no way that can ever be, but I believe that FDA does as good of a job as possible. In fact, my FDA Revitalization Act, authorized the creation of a central campus in the Washington, DC, area to house all FDA employees in this greater area who are now scattered over more than 30 different facilities, which can be very inconvenient and nonproductive. In December 2003, we dedicated the first building on the White Oak campus, which is where the full FDA campus will be built with state-of-the-art equipment and state-of-the-art facilities. Individuals who want to work in this area will be given an opportunity to work under the best of circumstances.

One of Governor Leavitt's responsibilities as Secretary will be to continue with this centralization, complete with a totally computerized and digital FDA campus, created so that we can be even more efficient at FDA. It is my hope that this centralized campus will shorten the length of time it takes to ensure the safety and efficacy of pharmaceutical drugs.

I will close with one anecdote related to me the other day. After attending several briefings with the Secretary designate, an FDA official stated: At our first briefing, Governor Leavitt was good. At the second meeting, he was excellent. At the last briefing, he was teaching us.

Now, that is the kind of a man Mike Leavitt is. He will be a great Secretary. With pride and admiration, I strongly support my fellow Utahan Governor Mike Leavitt's nomination for Secretary of Health and Human Services. Let us get him confirmed and on the job as soon as possible. I have no doubt that will occur. I am very grateful to those who are willing to support Governor Leavitt, and I suspect that everybody in this body will do so.

I yield the floor and 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. TALENT. I ask unanimous consent the order for the quorum call be rescinded, and I ask unanimous consent to proceed for only about 3 minutes.

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

The Senator from Missouri is recognized.

THE UNBORN CHILD PAIN AWARENESS ACT

Mr. TALENT. Mr. President, I appreciate the Senator for taking the chair for just a couple of minutes so I can speak about a bill I have introduced along with Senator BROWNBACK. He is the lead sponsor. There will be others on the bill as well. We had sponsored the bill last year. I want to make a brief statement about it.

It is a good bill in an area where we often do not see consensus, but I believe this bill will promote consensus. It is the Unborn Child Pain Awareness Act. It is based on the scientific evidence, which I think is a matter of common sense as well, that children in gestation, unborn children in the womb, do at a certain point acquire the capability of feeling pain. What the bill says is that before an abortion can be performed on a child who has been in the womb for 20 weeks or longer, the abortion doctor has to inform the mother that the child will feel pain and will, in fact, feel intense pain if the procedure is performed, and then inform her that if she wants to go ahead anyway, the child can be given an anesthetic so that that pain is not felt.

Apart from the fact that the scientific evidence indicates children at this point can feel pain, I have a personal stake, if you will, in this. Before we were blessed with the three children we have, my wife had several miscarriages in a row. It was pretty obvious what was growing inside of her was a person. It makes sense to me to believe at a certain point that a child can feel pain, and 20 weeks is actually a pretty conservative estimate of when the child is able to feel that kind of pain.

I see no reason a doctor about to perform such a procedure would not want to make it known, or a woman who is considering undergoing it would not want to know that fact to make a decision.

Mr. President, you know me and my view on this issue overall. I believe unborn children are people. I look forward to and long for the day where we believe there is room in our hearts and our homes and our laws for them and their moms. We are not there in that fundamental sense, but we are at a point where we can work on legislation like this which has support broader than either the pro-choice or pro-life side. This is legislation which is really designed to perfect the current law that says women should be able to make a choice. Then they should be able to make an informed choice.

I hope that is what we do. I hope we have an opportunity to bring it up on the floor of the Senate, and if we do have an opportunity to have a reasonable debate, we will pass it with a large margin. I hope to have that done in this Congress. I am proud to have cosponsored it.

Mr. CONRAD. Mr. President, I plan to support Governor Michael O. Leavitt's nomination to be Secretary of Health and Human Services, HHS.

Governor Leavitt is taking on a difficult role. There are many healthcare challenges facing our Nation. With over 300 separate programs and a budget of more than $400 billion per year, the Secretary of HHS is responsible for setting the healthcare agenda for the administration. It is my hope that implementing the Medicare prescription drug benefit will be at the top of Governor Leavitt's agenda. This large and complex law will have a tremendous impact on 40 million Medicare beneficiaries. As we get closer to January 1, 2006—opening day for the drug benefit—HHS will have many important decisions to make. I look forward to working with Governor Leavitt to ensure that North Dakota seniors get the options and information they need to make the best choice about the right drug benefit for them.

Also, given his record, I hope Governor Leavitt will take an active role in addressing funding shortfalls in the rural healthcare system. Many of the provisions in the Medicare Modernization Act that erased the inequities that existed between rural and urban providers are due to expire in 2006 and 2007. I am committed to reauthorizing these important provisions and trust that Governor Leavitt will work with me towards this end.

More generally, it is important that HHS and Congress look at other areas where healthcare needs are being unmet and take the appropriate steps to improve access to healthcare in rural America. For example, Congress should improve the financing of our rural emergency medical services. Our rural EMS squads are a vital component of the healthcare system, and current Medicare regulations do not adequately reimburse these squads for their services. This Congress, I intend to introduce legislation to improve the rural EMS system and hope that Governor Leavitt will support these efforts.

As Governor of Utah during the 2002 Winter Olympics, Mr. Leavitt had extraordinary experiences with preparing for a possible bioterrorism attack that will aid him in his position as Secretary of HHS. Over the past years, I have pushed for the enactment of a national emergency telemedical communications system that could be used to more effectively respond to a bioterrorist attack on a regional level by using telehealth technologies. I look forward to working closely with Governor Leavitt to move this legislation forward.

Finally, in his new role as Secretary, Governor Leavitt will be charged with preserving and protecting two of our Nation's most important health insurance programs—Medicaid and the State Children's Heal Insurance Program. It is important that Governor Leavitt be a strong advocate for these vital social programs.

I look forward to working with Governor Leavitt in the coming years to improve healthcare for all Americans.

Mr. KENNEDY. Mr. President, I support the nomination of Michael Leavitt to be the next Secretary of Health and Human Services. Our Committee on Health, Education, Labor and Pensions has unanimously recommended his confirmation, and I urge the Senate to do so as well.

At the committee hearing on his nomination, Governor Leavitt showed the intelligence, honesty and commitment to public service that have been the hallmark of his career. While we differ on some issues raised at the hearing, there are many issues where we agree and can work together to create a bipartisan consensus. I believe that he will lead the Department with integrity, skill and vision.

The Department of Health and Human Services has a broad and deep impact on the lives of the American people. Its programs reflect the ideals of our nation and our commitment to provide help to all those who need our help the most.

HHS cares for the elderly through Medicare and the Older Americans Act. It nurtures the young through Head Start, CHIP, and maternal and child health programs. It sustains poor families through the Temporary Assistance to Needy Families Act. It brings health care to all in poverty through Medicaid. It offers help and hope to patients suffering from disease through the National Institutes of Health. It guarantees every American that the medicines they take are safe and effective and the foods they eat are healthful through the Food and Drug Administration. It protects the health of every American against epidemics of disease through the Centers for Disease Control and Prevention.

Mr. Leavitt brings impressive skills to this critical post. As a former governor he knows how HHS works, and where it needs improvement. At EPA, he confronted health issues similar to many of those dealt with by HHS. Everyone who knows him respects his intelligence, his high energy, and his experience as a manager and problem-solver.

His new position will test all those skills, and he'll face an especially heavy challenge this year. Many of the most important programs he oversees get lavish praise but little real support. Last year, the administration was able to push through the Congress a flawed Medicare drug bill that benefited drug companies and insurance companies at the expense of patients. Governor Leavitt will now have to implement that flawed bill.

Press reports indicate that the administration intends to block grant Medicaid and cut it deeply, and to cut Medicare deeply as well. More than 50 million of the Nation's poor depend on Medicaid for health care. Forty-two million senior citizens and disabled Americans depend on Medicare. The administration's tax cuts for the wealthy and its misguided war in Iraq have created a catastrophic deficit, but it would be unconscionable to solve the budget crisis by penalizing the poor and the elderly who did nothing to create it, and to ask the wealthy and powerful to make no contribution at all.

We will continue our bipartisan work this year on Head Start—the foundation of federal support for the nation's most vulnerable children. Head Start has a 40-year track record of success. The reauthorization this year is an opportunity to build on that success, and do more to open the American dream to many more children who deserve our help. A block grant for Head Start would be a giant step backwards—we can't turn Head Start into Slow Start or No Start.

The current extension of welfare reform expires at the end of March, and our ability to move the welfare debate forward will require more flexibility from an administration willing to work in good faith with Congress on this basic issue of what kind of country we are. Governor Leavitt led Utah's innovative welfare program, which guarantees provides support and services tailored to the individual needs of each recipient, including education and training, substance abuse treatment, child care and other key assistance.

Other priorities facing the Department include the need to move our health care system into the modern age using information technology, and improve FDA's ability to detect and respond promptly to warning signals on the effects of new drugs. We must also continue the fine work of Secretary Thompson in putting disease prevention and health promotion higher on the national agenda. And I hope that Governor Leavitt will support the bipartisan efforts led by Senator DORGAN and Senator SNOWE to import safe FDA-approved drugs at the low prices that Canadians and Europeans are charged.

I welcome Governor Leavitt's strong commitment to using information technology to improve the quality of care for America's patients and to reducing the costs of health care. I look forward to working with him closely to see that we take the actions needed to turn our bipartisan vision of an improved health care system into a reality.

Michael Leavitt is a distinguished and talented public servant, and an impressive choice for this important responsibility, and I urge the Senate to confirm him as Secretary of HHS.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of Michael Leavitt to be the Secretary of the Department of Health and Human Services. Michael is an overwhelmingly qualified candidate and the kind of leader the Agency needs. I am confident he will work hard to serve the public health needs of our Nation.

Michael Leavitt will bring considerable executive experience to this post. As the former Governor of Utah, he improved access to health care for thousands of children and adults, while keeping rising health care costs in check. To date, Utah's uninsured rate remains below the Nation's average. Michael has also proven himself a capable leader in his former positions as chairman of the National Governor's Association, and most recently, administrator of the Environmental Protection Agency.

The Department of Health and Human Services, HHS, helps to protect the health, safety, and well-being of the American people. HHS is among our Nation's largest and most important Federal departments, overseeing more than 300 programs with a budget in excess of $580 billion. HHS is responsible for the management of such vital programs as the Food and Drug Administration, Indian Health Services, the Centers for Disease Control and Prevention, and the Centers for Medicare & Medicaid Services. The Medicaid and Medicare programs alone help provide needed health care to nearly 80 million Americans.

I applaud President Bush for his choice of an accomplished leader to head this vital department. I look forward to working with Secretary Leavitt on critical issues such as implementation of the Medicare prescription drug program, medical liability reform and finding ways to reduce the cost of health care.

Mr. DURBIN. Mr. President, as you know, I am passionate about health care issues, and I want to talk today about two issues of particular interest to me, which Health and Human Services Secretary Nominee Michael Leavitt has promised to review when he takes the helm at that department.

Leavitt promised to look at the legislation which Senate Judiciary Chairman ORRIN HATCH, R–Utah, and I are developing to require dietary supplement manufacturers to submit reports to the Food and Drug Administration when they cause serious injury or death to consumers. Under current law,

these manufacturers of these products, which are widely sold, do not have to report to the government if their products are suspected of causing someone taking them to become ill or even die. This happens even to people who are seemingly healthy, such as 17-year-old Sean Riggins from Lincoln, IL. Sean was a rising star on his high school football team in 1992 and wanted to enhance his performance in the big game. Sean took ''Yellow Jackets,'' a supplement promising increased energy, which contained ephedra. Sean was killed by those pills.

While dietary supplements are safely consumed by millions of Americans every day, unfortunately, this is not always the case. Ephedra is perhaps the best-known dangerous supplement ingredient; it has caused at least 150 deaths, forcing HHS to pull it off the market. There are other supplements that have raised questions, such as aristolochic acid, usnic acid, kava kava and yohimbine, and the problem is, we just don't have the data centrally located to help the agency determine the products' safety. The law assumes products containing these substances are safe until proven unsafe.

Senator HATCH and I do not always agree, but on this issue, we do. There should be a clearinghouse at the Food and Drug Administration for these manufacturers to provide data about the safety of their products. And most of the industry and consumer groups are on our side, so as we develop legislation this year, Administrator Leavitt has agreed to review it. I look forward to working with him.

Administrator Leavitt also promised to remain active on the issue of tobacco control. Mr. Leavitt is a former charter member of the American Legacy Foundation board, the foundation established by the Master Settlement Agreement to educate youth and the public about the addictiveness and health effects of smoking.

More than 90 percent of adult smokers began smoking as teenagers. The American Legacy Foundation's public education campaign is helping to produce dramatic decreases in youth smoking rates. The work of the American Legacy Foundation is more important than ever to this country's health.

I support Administrator Leavitt's nomination to serve as Secretary of Health and Human Services and welcome the opportunity to work with him to reduce smoking among young people, acquire quality safety data on dietary supplements, and address other critical health concerns.

Mr. DODD. Mr. President, I rise today as the nomination of current Environmental Protection Agency, EPA, Administrator and former Utah Governor Michael Leavitt for the position of Secretary of Health and Human Services comes before the Senate. I plan to support this nominee as I did a little more than one year ago when Governor Leavitt's nomination to lead the EPA came before this body. I do so with the intention of working with him once he is confirmed as the administration's leading health care advocate to protect our Nation's vital health care infrastructure.

Once confirmed as Secretary of Health and Human Services, Governor Leavitt will oversee the administration of the Department of Health and Human Services, HHS, the vast federal agency overseeing the Medicare and Medicaid programs, the National Institutes of Health, NIH, the Food and Drug Administration, FDA, the Centers for Disease Control and Prevention, CDC, the Health Resources and Services Administration, HRSA, and the Administration for Children and Families, which oversees child care, welfare and Head Start. HHS operates more than 300 critically important programs that represent almost a quarter of all federal outlays. In fact, the Medicare and Medicaid programs alone provide health insurance for one in four Americans.

Current research tells us that well crafted, well researched, and comprehensive public health initiatives spearheaded by the office of the Secretary of Health and Human Services could lead millions of Americans to efficiently and successfully address health concerns before they become critical. However, just as important as the development of lifesaving preventive services is support for those programs already providing services to those already struggling with disease or impairment. In order to be successful in his new role as Secretary of Health and Human Services, Governor Leavitt will need to balance these sometimes competing needs so as to effectively lead our nation's federal health care systems into the 21st Century.

Let me just take a moment to lay out several areas that I hope Governor Leavitt will make a priority as secretary. First, I think it is imperative that we take steps to ensure that the prescription drugs that are already on the market will not harm the millions of Americans that rely on them for their health and well-being. Serious questions have been raised about the ability of the Food and Drug Administration to ensure the safety of medicines. In the coming days, I will be introducing a bill to reform the FDA and give it the authority and resources to effectively monitor prescription drugs that are on the market, and take action if a safety issue is identified. I look forward to working with Governor Leavitt on this issue, and I hope that he will make it one of his top priorities.

Of additional concern are possible efforts to modify our nation's Medicaid program, the federal and state health insurance program for those with low incomes. Currently this valuable program serves more than 50 million low-income children, pregnant women, elderly and disabled Americans, providing a vital safety net of health care services to these often vulnerable populations. I plan to work with the new Secretary to ensure that any modifications to this important program do not endanger its continued ability to provide for the health of its needy beneficiaries.

I am also hopeful that Governor Leavitt will expand the work done by his predecessor to bring the health care system into the information age. Expanding the use of information technology, IT, in health care settings will save patients' lives and improve the quality of care. In addition, estimates suggest that investment in health IT is one of the most effective tools we have to control skyrocketing health care costs, making health care more affordable for all Americans.

I urge Governor Leavitt to take a close look at an issue affecting the health of infants in this country. The Advisory Committee on Heritable Disorders and Genetic Diseases in Newborns and Children is close to issuing a report recommending a standard set of genetic disorders that all states should test for at birth. Newborn screening saves thousands of lives every year, but the current inconsistency in state testing policies means that too many children still suffer from disorders that are not detected until it's too late. I hope that Governor Leavitt will work with me to ensure that states can adopt the recommendations of the advisory committee, so no more infants fall through the gaps in newborn screening.

Tragically, we know that each and every day in America 7,000 children under the age of sixteen have their first alcoholic drink. We also know that 4,500 children under the age of 21 will lose their lives due to the abuse of alcohol each year. At the same time, the social costs associated with underage drinking total close to $53 billion annually including $19 billion from automobile accidents and $29 billion from associated violent crime. In 2003, the Institute of Medicine released a study, ''Reducing Underage Drinking—A Collective Responsibility,'' that laid out the national problems presented by consumption of alcohol by youth and established a multi-tiered national strategy to reduce underage drinking's toll. Sadly, however, there has yet been little progress made in instituting this strategy. It is my desire to work with the new Secretary toward implementation of this important report's recommendations.

I also look forward to working with Governor Leavitt to increase the availability of medical devices for children. Many essential medical devices used extensively by pediatricians are not designed and sized for children's special needs. Because the number of children needing a particular device is often quite small, there's simply little financial incentive for manufacturers to make pediatric appropriate devices. As a result, health care providers are forced to use adult devices ''off-label''

without a clear understanding of the risks involved or to use older, less optimal, or more invasive interventions. Pediatricians tell us that the development of cutting-edge medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults. In my view, this is an issue that demands our attention.

Lastly, if I could take a moment to talk about some of the issues related to poverty that this Congress will face and how important it will be that we are able to work with a Secretary of Health and Human Services who will be prepared to listen and to objectively assess options and, when appropriate, to help bring compromise toward a bipartisan solution. In the coming months, we will be working on legislation to further strengthen Head Start, to improve the quality of child care and to provide additional funding for child care in order to ensure that we do not pit the working poor against the welfare poor, legislation to reauthorize the Community Services Block Grant, CSBG, as well as the Low Income Home Energy Assistance Program, LIHEAP. I am interested in working with Mr. Leavitt to reach bipartisan support for these measures, which frankly should have bipartisan support. We should not be politicizing poverty.

I am very concerned about the direction that the administration wants to take with regard to Head Start. I, too, believe there are further actions we can take to strengthen the literacy and cognitive development of Head Start children. But, Head Start is not just about literacy. It is about overall school readiness which includes the social, emotional, physical, and cognitive development of children, development of the ''whole'' child. The Head Start bill approved by the House last year and supported by the administration would repeal the Head Start performance standards—standards which help ensure the comprehensive quality of the program. I think that is a mistake. We can and should further strengthen the Head Start program and I look forward to working with Governor Leavitt to do so. But, if we are serious about strengthening Head Start, then we cannot repeal the performance standards which are the foundation for quality accountability.

As I mentioned earlier, another issue I hope to work with Governor Leavitt on is child care. When Governor Leavitt appeared before the Committee on Health, Education, Labor and Pensions, we talked about the need to expand access to the children of working poor families, not just the welfare poor, and to improve the quality of care. Again, if we are serious about improving the school readiness of our Nation's youngest, then we need to ensure that the child care they receive is related to child development. Some 700,000 children are in state pre-kindergarten programs. Another 900,000 children are in Head Start programs. But, some 14 million children younger than six are in child care arrangements for many hours every day, every week. If we ignore the quality of care that these children receive, we are missing an opportunity to ensure that these children enter school ready to learn. It is these children, largely from working poor families, who aren't in Head Start, who aren't in a 2–3 hour day pre-kindergarten program because their parents work, who are most at-risk of being left behind. I am hopeful that we can work to achieve a bipartisan increase in child care funding to better address the needs of the working poor while improving the quality of care the children in these families receive.

These issues of concern offer only a handful of the multitude of items facing the office of the Secretary of Health and Human Services. In his new role as Secretary of Health and Human Services, Governor Leavitt will have the opportunity to touch the lives of millions of Americans who often struggle to adequately address their health care needs.

However, as we all know, with great opportunity also comes great responsibility. As we learned painfully with the bioterrorist attacks of 2001, we now face as a nation threats to our public health that we could never have imagined only a few short years ago. In this new era, it is critical that we are prepared to meet these new challenges head on. I look forward to working with Governor Leavitt in his new role and in the future to ensure that the public health infrastructure of the Unites States is prepared to adequately address these new threats.

So it is with great optimism that I support this nomination. I can think of few more influential positions within federal service than the position of Secretary of Health and Human Services. This position brings with it a great opportunity to not only shape the way we as Americans learn about the importance of health but literally has the ability to save lives. I hope to be able to have the opportunity to work with Governor Leavitt in his new role as Secretary of Health and Human Services to enhance the health and well-being of all Americans.

Ms. STABENOW. Mr. President, I rise today to discuss the nomination of former EPA Administrator and Utah Governor Michael Leavitt to be the Secretary of Health and Human Services.

I respect Governor Leavitt. He and I have enjoyed a good working relationship when he was the EPA administrator. Governor Leavitt always kept an open door, and he worked closely with me on important Michigan issues such as Canadian trash and air quality standards.

But today, he stands ready to take a new role. This is an immense honor and carries even greater responsibility. HHS oversees many of the agencies that affect Americans' lives the most. For example, the Secretary oversees Medicare and Medicaid, which covers over 70 million people, from children and mothers to seniors and the disabled. The National Institutes of Health drives our Nation's biomedical research, and the Food and Drug Administration works to make sure what we eat is safe.

Unfortunately, HHS also has a series of missteps. In today's Washington Post, we learned that HHS, like the Department of Education, paid a journalist to write supportive statements about administration policy in her column. This is on top of findings that HHS improperly used federal money for political purposes. HHS officials also stopped the CMS actuary from giving important information to Congress about the true cost of the Medicare drug bill. I urge Governor Leavitt to work to correct these abuses.

I intend to vote to confirm Governor Leavitt, but I do want to use this opportunity to raise some major concerns about health care. First, I am concerned about Governor Leavitt's position on Medicaid. My State has made great strides in stretching each Medicaid dollar, including an innovative drug purchasing plan with other States.

We should encourage States to find innovative ways to save money, but having flexibility and innovation does not mean cutting people's benefits. I am concerned about rumors about ''block granting'' Medicaid. That would be a dangerous proposition to our most vulnerable populations that rely on this important State-Federal partnership.

Second, we need to have a full and open debate about reimportation. Last Congress, I was deeply disappointed that after numerous bipartisan attempts to bring the issue of drug reimportation to the Senate floor, the leadership blocked a fair discussion on a sensible way to bring down drug prices. I am glad that my friend and colleague Senator DORGAN secured an agreement with Senators FRIST and ENZI on having a HELP committee hearing on reimportation by April 25.

We urgently need to have a reimportation bill brought to the floor. I am very troubled by allegations of delays while our seniors and businesses pay the price. For example, there are allegations that the administration is putting strong pressure on our neighbors to the north to block reimportation. In fact, we have heard complaints that almost immediately after U.S. trade officials visited Canada in December, the Canadian health minister began looking into ways to block reimportation.

I have heard too many stories from my constituents that without lower priced, FDA-approved drugs from Canada, they would not be able to afford their rent or buy their groceries. In the America that we want for ourselves and our children, no one should ever have to choose between paying their rent or their medicine.

It is unacceptable that they cannot purchase their medicine here in the

United States. In this great Nation, a pharmacist in Detroit should be able to do business safely and securely with a pharmacist in Windsor.

I am glad that Governor Leavitt is keeping a more open mind about reimportation than others in the administration . . . so far! In fact, during his nomination hearing in the Finance Committee, he stated: ''If it can be shown that it can be done safely, then it's a discussion we should have.''

I hope Governor Leavitt will continue to keep an open mind as we debate reimportation under the agreement with leadership. Again, we need to have an open debate here in Congress about reimportation.

Finally, I hope that Governor Leavitt would keep an open mind about allowing the Federal Government to negotiate drug purchases on behalf of Medicare.

Even outgoing HHS Secretary Thompson said at his December 3 resignation press conference that he would have liked to have had the opportunity to negotiate lower drug prices.

I know that Secretary-designate Leavitt has said he does not believe that the Secretary should have the power to negotiate with drug manufacturers to secure lower prices for Medicare beneficiaries. Rather, he believes that the Medicare law provides enough safeguards to keep drug prices in check.

How is that possible when researchers at Boston University have found that the pharmaceutical industry will actually make $139 billion more under this plan?

In fact, a recent study published in the prestigious Health Affairs journal found that if Medicare could negotiate and bring drug prices more in line with other nations' costs, we could close the doughnut hole.

I am disappointed that Governor Leavitt does not believe in using the market power of over 40 million people to get the best prices for seniors, the disabled, and the American taxpayer. It is a good market-based solution.

More than ever, we need to work to keep down the costs of drugs. It is hurting our businesses, it is hurting our families, and it is going to hurt every American taxpayer when the new Medicare drug program begins in 2006.

Yesterday the Wall Street Journal published a sampling of this month's prescription drug price increases, finding that the prices of 31 of the 50 biggest selling medications have increased dramatically since our November elections. These drugs included popular drugs such as the cholesterol-lowering drugs Lipitor and Pravachol; the painkiller Celebrex; the antidepressant Zoloft; and the blood-thinner Plavix.

One health research group stated that pharmaceutical companies are marking up their prices now in anticipation of the Medicare drug program coming out in 2006.

It is outrageous that Medicare can't negotiate prices just like businesses, states, and even other Federal agencies can.

This is a great nation, and in the past month, we have seen how strong our democracy is. But we also have room for debate and discussion. I urge Governor Leavitt to keep an open mind and to work with all Members of Congress to bring down the cost of prescription drugs for all Americans.

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

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

Mr. DORGAN. Mr. President, the business before the Senate is the nomination of Governor Leavitt to be the Secretary of Health and Human Services. I come to the floor to express my support for Governor Leavitt. He has come to Washington in recent years to be the head of the Environmental Protection Agency. He is someone of considerable talent, and he is someone with whom I have worked when he was Governor of the State of Utah.

I have great respect for him, and I am very pleased that someone of his capability and talent would offer himself again for this Cabinet post. I am very pleased to support his nomination.

I do want to say that one of the issues that he will confront as the Secretary of Health and Human Services is the issue of the reimportation of prescription drugs. It has been a hotly debated issue in the U.S. Congress. Sufficient votes exist in both the House and the Senate to pass legislation allowing for the reimportation of prescription drugs. The only reason that legislation has not been passed and gone to the President is it has been blocked by a minority, and blocked by those who want, apparently, to protect the President from having to veto legislation that includes reimportation.

The President has indicated opposition to the reimportation of prescription drugs.

Let me describe why the reimportation issue is important. The fact is, American people pay the highest prices in the world for prescription drugs. That occurs because the pharmaceutical industry can charge those prices. Unlike most other industrialized countries, we have no price controls. There, in fact, are some price controls, but the controls are in the hands of the pharmaceutical industry. They actually control prices in this country, and they control prices because of a piece of legislation that was passed a couple of decades ago that prohibits the reimportation of prescription drugs, except by the drug manufacturer itself. For that reason, unlike other countries, citizens in our country are not able to routinely purchase an FDA-approved drug which is sold for a much less expensive price in other countries.

There is an exception to that, which is the allowance for prescription drug reimportation for personal use by someone who actually travels personally across the border to Canada or Mexico and purchases the FDA-approved prescription drug. They are allowed to bring a 90-day supply for personal use into our country. With the exception of that, a pharmacist from this country is not able to purchase from a pharmacist in Canada, and a licensed distributor in this country is not able to purchase from a licensed distributor in Canada.

The fact is, that is an exception to what is happening in other parts of the world—Europe for over 20 years. If you are living in Germany and want to buy a prescription drug from Italy, no problem. You can do that. If you are in Spain and want to buy a prescription drug from France, that is not a problem, either. It is called parallel trading. Those engaged in it in Europe have testified before Congress and indicated it has been going on for decades with no safety issues at all. Yet in this country, we have this artificial barrier that prevents a pharmacist from Grand Forks, ND, from buying an FDA-approved drug sold by a pharmacist in Winnipeg, Canada. It makes no sense at all.

We were not able to pass this legislation because the pharmaceutical industry has great influence here and with the Administration. As a result, the legislation has been blocked.

Yesterday, Senator OLYMPIA SNOWE from Maine and I met with Majority Leader FRIST and Senator ENZI. We indicated that we would be reintroducing our bipartisan legislation. Senator SNOWE and myself, Senator MCCAIN, Senator KENNEDY, Senator STABENOW, and many other of our colleagues, will cosponsor the major bipartisan piece of legislation dealing with the reimportation of prescription drugs.

We had a commitment yesterday that was expressed publicly last evening; that the bipartisan piece of legislation dealing with the reimportation of prescription drugs will have a hearing on its own merit exclusively directed at that bill before the Health, Education, Labor and Pensions Committee. I appreciate that very much. That is the first step in getting this kind of legislation passed through the Congress.

Our approach is to try to put downward pressure on prescription drug prices because we think it is unfair that the consumers in this country pay the highest prices in the world.

With your consent, Mr. President, I will show two pill bottles—two, of a dozen, I could show. The bottles that I hold up today are bottles of Lipitor. As one can see, they are identical in color, identical in shape and size, and they contain an identical tablet. It is something called Lipitor for the reducing

cholesterol. The medicine taken is one of the most popular medicines sold in this country taken to lower cholesterol levels in patients. It is sold in Canada and in the United States.

As you can see, the same pill is put in the same bottle, is made by the same company, and is FDA-approved in both cases. The difference? Price. The American consumer is charged $1.86 per tablet and the Canadian consumer, $1.10 per tablet. Why would one justify charging nearly double the price to the American consumer? What justifies that? These pills are, in most cases, made in the same plants, put in the same bottle, but shipped to two different places with two different pricing schemes. In almost every case, the pricing scheme with medicine of this type is to price the brand-name prescription drug at a higher price in the United States than exists in other countries. We think that is unfair to the American consumer. We don't propose price controls. Rather, we suggest the American consumer have the same access to be able to purchase the FDA-approved medicine from other major, industrialized nations with drug safety systems comparable to our own.

We recently had some testimony at a gathering here in the Congress that I want to review for a moment. Dr. Peter Rost, who is a drug industry executive, says:

The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that in Europe reimportation of drugs has been in place for 20 years—

And done safely.

Then he continues by saying the following:

During my time response for a region in northern Europe, I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else saying that this practice is unsafe. And personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

This, from a drug industry executive. He obviously wasn't treated well by the industry when he said this. But it took great courage for him to say what is obvious to everyone. There is no safety issue. That is a specious argument by the pharmaceutical industry and those who support it to try to head off the Congress passing legislation that would allow for the reimportation of prescription drugs.

The bipartisan group of legislators, Republicans and Democrats, who I and others have worked with, will introduce our legislation in the coming days. We now have a commitment for a formal hearing on that legislation. We will push for a vote on the floor of the Senate. I am confident there are sufficient votes in the Senate to pass this legislation. I do not think this legislation can continue to be blocked as it was in the last Congress.

Mr. President, I wanted to make this point during the discussion about the nomination of Mr. Leavitt.

Mr. Leavitt is a person, as I said, of considerable talent. I am enormously pleased that he is assuming this role. He will understand, as I understand, that he is duty bound in his new role as Secretary of Health and Human Services to follow what the White House dictates on this issue. The White House, at least at this point, is continuing to oppose reimportation legislation. In fact, when Tommy Thompson and I put together a task force to study this issue, they issued a report at the end of last year which could have been classified as ''recently incompetent humor''—this commission conceived in this report that there was a safety issue. To show you how irresponsible it was to put the task force together to reach a foregone conclusion that the Administration previously held, they proposed that Dr. McClellan head the group. He was the point person, who was the head of the FDA at the time, who raised all the issues and was vigorously opposed to reimportation and raised those issues in a manner that would befit someone working for the pharmaceutical industry.

There was such a stink raised by Dr. McClellan to be selected to run the task force that the Administration finally backed away and had someone else run the task force. But the task force did not take a ''level look'' at what this was about. They came up and conducted the safety issue.

There is no safety issue. Dr. Rost tells you; and I encourage any of my colleagues who wish to know; go to Europe, or ask the Europeans to come over here and testify. They will tell you they have been doing this for years. The reimportation of drugs between countries has been done routinely year after year without any safety issues at all. That is just a specious issue raised by those who want to support the pharmaceutical industry and who don't want to support the interests of the American consumers who should not be charged the highest prices in the world for prescription drugs.

Let me conclude as I started. Mr. Leavitt will assume the job of Secretary of Health and Human Services. I am anxious to work with him. I look forward to working with him. I have great respect for him. My hope is that he can convince this Administration to change its policy on reimportation.

This should not continue: The same pill put in the same bottle, made in the same plant, both approved by the FDA, should not be shipped to two places, one of which will impose upon the U.S. consumer the highest prices in the world. That is not fair to Americans, and this Congress ought to have the courage and the backbone to stand up for the interests of the American people on this important issue.

Within a matter of days, we will reintroduce our bipartisan piece of legislation. Within 90 days, we will have a hearing and we intend in every way possible to press this case on the floor of the Senate.

I yield the floor, and I yield the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from North Dakota yields the floor and yields back the remainder of the time on the Democratic side.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to express my support for the nomination of Governor Mike Leavitt, who has been the Administrator of the Environmental Protection Agency, to serve as our next Secretary of Health and Human Services.

President Bush chose wisely when he nominated Governor Leavitt for this important post. He is a strong leader and an able administrator and his record provides the proof for his ability to get results.

I have known Governor Leavitt for some time. We worked together far back in my public service career when he helped found the Western Governors University. His service as Utah's Governor gives him a wealth of experience in the challenges of providing access to affordable health care. As a Governor of Utah, his state had a diverse mix of both a very rural and a very urban population. Accordingly, he brings diverse views on how to handle a wide variety of issues. As a westerner, he also understands the particular health care problems that affect folks who live in those rural areas as well as the more rural frontier areas.

His perspective will serve him well as Secretary. We have much work to do together with Governor Leavitt. We need to improve our health care system and increase patient safety through better and more widespread use of information technology. We need to ensure that the medications we take are safe and effective. We need to redouble our efforts to protect our Nation from the present danger of bioterrorism. We need to strengthen our health care safety net to protect the most vulnerable among us, and perhaps most importantly we need to do everything we can so that more affordable health insurance options are available to working families and small businesses. That important task will include making our medical liability system work better for patients and providers.

I am pleased that I will have the opportunity to work with Secretary Leavitt in my new capacity as chairman of the Committee on Health, Education, Labor and Pensions. My committee is looking forward to working with Governor Leavitt to craft solutions to the health care challenges we face as a nation. During his confirmation hearing, he agreed to informally sit down with Senator KENNEDY and I and others who are interested to informally discuss some of these solutions.

I believe we will succeed in meeting the shared challenges because Secretary Leavitt has succeeded in every step he has taken in his career. More importantly, Secretary Leavitt has great appreciation of the importance of the family, which is the cornerstone of

our society and the basic building block of our communities. Governor Leavitt is both a good man and a strong leader. I look forward to working with him on the health care issues that affect our families so directly.

I urge my colleagues to vote to confirm Governor Leavitt as the next Secretary of Health and Human Services.

Mr. President, it is my understanding the other side has yielded back their remaining time. Knowing no other Republican wishes to speak, I yield back the remainder of our time, as well.

The PRESIDING OFFICER. The Senator from Wyoming yields back the remainder of the time on the Republican side. All time having expired, under the previous order, the Senate will proceed to a vote on the confirmation of the nomination.

The question is, Will the Senate advise and consent to the nomination of Michael O. Leavitt, of Utah, to be Secretary of Health and Human Services.

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. ENZI. I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

AGENDA FOR COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI. Mr. President, the Committee on Health, Education, Labor, and Pensions is actively working in all four of those areas as specified in the title of our committee as there are major initiatives that need to be accomplished in each of those areas.

I have found that each Member who is working on an issue in any of those four areas—and I am not just talking about members of the committee, I am talking Senators as a whole—believe their issue should be the first issue to come up in the Committee on Health, Education, Labor, and Pensions. As Chairman, I believe that we should work like the National Institutes of Health; that is, those issues that stand the best chance of making progress will get a higher priority. We will be working in all of these four issue areas because they are immensely critical to the people of the United States.

As a brand new Committee Chairman, I am asking all of my colleagues that when a Member has an idea in the areas of health, education, labor, or pensions, that you share it with me. I can bring the Member up to date on all of the people who need to work on that issue so I can get them involved. It would be most appreciated. In addition, it would allow us to work prime pieces of your bill into any committee bill that comes out.

On a number of issues out there, there are multiple groups, and in many cases, bipartisan groups, working on their own bill. The way we will have to address those, of course, is to have the committee be the referee on which sections of which bills get into the final bill. I can assure Members we will look most favorably on Members who have shared with us in advance. If it is a matter of who is going to get the credit, I don't care on that. I will help preserve credit for your idea.

It would be helpful for me as the new chairman to have some kind of an idea of what Members are working on and what the timeframe is. We will let Members know how we are working on the same issue and our timeframe for the issue.

I have four outstanding subcommittee chairmen, and they have already sat down, looked at a list of things they need to accomplish, and together we have set some priorities and have begun to put together action plans on each of those bills. I have met with Senator KENNEDY to take a look at the 20-plus bills that need to be reauthorized before September 5. We are trying to organize those so that we can get as many of those completed as possible and to see where there is agreement; and where there is agreement, perhaps we can move them along faster allowing us the opportunity to concentrate on the other bills that need more work.

I didn't say the ones which we are in opposition to—because I know on most issues around here, if there is not agreement on the two conflicting ways to move a bill forward, there is often a third way that can be derived. A lot of the time the way committees work, as we get involved in an issue, is if there is a section that people do not agree on, quite often we can have those Members interested in that section go off for a little bit and hammer it out. Typically, they come back with the third way that they can agree upon. Quite often the committee agrees on it as well.

In committee, usually, we can get agreement on 80 percent of an issue. Generally, the 80 percent is what is passed through the committee if there is bipartisan support, if it appears to have bipartisan support. Unfortunately for the American public and television, when people see us debate in the Senate it is on that other 20 percent, the 20 percent we did not agree on in committee, and for political reasons may not agree on no matter how long the debate continues. When we vote, after all the amendments are tallied, quite often we go back to the 80 percent that came out of committee with bipartisan support.

I am suggesting to my colleagues that if we can go by an 80-percent rule, do the 80 percent we agree upon in committee, bring it to the Senate floor, and wrap it pretty quickly, then we can skip that other 20 percent. Overall, we could get a lot more done around here. In addition, it would be more collegial and it would lead us to being able to get more things done on a bipartisan basis.

So we are going to be trying that in this committee and seeing how it works. I hope it does not turn out to be the grand experiment that failed. I hope it turns out to be a model for a way we can have a Senate that is more agreeable and working towards solutions for the American people.

That is the approach we have taken on every issue that has been mentioned here today. We have already been working on action plans for those things to see if there is a way we can come up with an 80-percent package. If we can, we will move them along much faster than what people expect. But it will take a lot of work and a lot of concentration and, incidentally, quite a few hearings, too.

I have learned under Senator GRAHAM and Senator SARBANES and Senator SHELBY—those are all Banking Committee chairmen—that one of the ways to handle an issue is to try to get together everybody you can who is an expert on the particular area you are doing and draw on their knowledge—these are practitioners who have actually worked in the trenches on the idea—and gather the information from them and see if there is not, again, an 80-percent agreement.

There should not be a shortage of ideas in the United States. We are the idea country. If we can find some way to simmer those down and put them out as legislation, that helps people. That is what the HELP Committee is all about.

I look forward to working with my colleagues and seeing what sorts of things we can do to help health care in the United States so we can have more accessible, lower cost, higher quality health care. As you can tell from previous discussion, that covers a whole range of issues. The Presiding Officer at the moment, of course, is interested in the associated health plans, and so are a whole lot of other people in the Chamber.

We have talked about drug reimportation. We have a bill in that comes out of a task force, Senate file 4. It comes out of a task force last year that was led by Senator GREGG, who is my predecessor as chairman of this committee, a diligent, hard-working, knowledgeable task force leader who helped us put together about 15 bills that would do exactly what I talked about: increase access, reduce costs, help the quality. Those are included in a bill. It is not definitive, it is not the final answer, but it is a starting point for us to go on this great debate.

In education, we are going to do an education piece that makes sure people understand there are lifelong education

opportunities, that school is never out, that learning never ends. We have Head Start, which is preschool education. Of course, we have No Child Left Behind in our jurisdiction.

We are concerned about the number of high school dropouts there are today. We are also concerned about the Higher Education Act, which needs to be reauthorized, and the Perkins Act, which provides funding. All of those are things that need to be done. We have combined them in Senate file 9, with the Workforce Investment Act, which you will recall came through this body 2 years ago. Two years ago, it came through. The committee passed it out by unanimous consent, and it passed this body unanimously. But I think partly because of the Presidential election years, we were not allowed to have a conference committee. We were blocked from having a conference committee. That is an essential piece in making sure people have jobs.

I am fascinated that this generation that is in school now probably will not have the kinds of jobs our parents had where they went to work at one place, they worked there their entire life, and they retired from there. The generation in school now is going to probably have 14 different careers, and 10 of them have not even been invented yet. So there is a tremendous challenge to having learning capability and capacity and flexibility so this generation, this generation that is in school right now, will be able to get the best jobs in the world, not the best jobs in the United States, the best ones in the whole world so that any job that happens to be outsourced is one of the low-skilled jobs, one of the low-paying jobs, not the best of jobs. But that is a huge challenge for us, and it is one we will be working on with a primary objective to solve in the education portion of the committee.

In the labor portion of the Health, Education, Labor, and Pensions Committee, we want to make this a safer country for the workers. I put forward several recommendations for ways that can happen, ways we can provide more help to small businesses so they can know the best way to keep their employees safe rather than beaten over the head and fining them after the fact. We need to have them do the prevention, not the penalties. There is some common ground there that we can work on.

Of course, in the area of pensions, this is a very interesting year because a lot of pensions need a lot of help. The Pension Benefit Guaranty Corporation, which I have already met with, has a huge challenge ahead of it to make sure people who have been putting into pension plans wind up with a pension. We do not want to have a large Government bailout. We want to have the pensions operate the way they were designed but with a backup so the worker does not get left behind. It is a huge work area. I am looking forward to the task.

With cooperation from everybody in this body, we can have some great bipartisan efforts that will make a difference to every single person in this country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor.

We are in morning business.

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

The PRESIDING OFFICER. The Senator from Wyoming suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Further, I ask unanimous consent that I may be able to speak in morning business for as such time as I may require.

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

The Senator is recognized.

Mr. BOND. I thank the Chair.

TSUNAMI RELIEF IN INDONESIA

Mr. BOND. Mr. President, today it is a real privilege for me to be able to report to my colleagues and the people of America on a magnificent relief effort underway in Indonesia, where the December 26, 2004, tsunami left over 115,000 confirmed deaths, with potentially tens of thousands more swept out to certain death in the sea, leaving no record of their disappearance, and hundreds of thousands of surviving victims left in precarious positions, with inadequate water and food, facing potentially life-threatening diseases.

On Saturday, January 15, a week ago this past Saturday, I walked through the primitive conditions in the mud, in the heat and humidity of Banda Aceh Airport to talk to the relief teams and the military personnel, Asian and American, gathered in a common cause. Some of these American troops are shown here in this picture. It was an extremely diverse group of individuals. They shared in the common beads of sweat dripping off the end of the nose from the oppressive climate. They had a compelling commitment to relieve the tremendous suffering of the people of Aceh and Northern Sumatra and a cooperative spirit that resolved questions and differences of opinion with speed and good humor.

The U.S. Navy and Marine helicopter crews, which had flown 600 missions delivering 2.3 million pounds of supplies to isolated locations cut off by the tsunami-destroyed roads and bridges, mingled with international relief agency personnel, personnel from other countries, Navy volunteers from the USS ABRAHAM LINCOLN who joined with marines from the BONHOMME RICHARD, loaded U.S. Agency for International Development rice and purified water from the carrier LINCOLN onto the helicopters.

The Indonesian military, through their Army, the TNI, provided security for relief forces against potential kidnapping and harassment by the free-Aceh movement, known as GAM, which apparently and fortunately was more interested in ensuring that people did not forget about them than in inflicting more casualties on the volunteers.

Navy fixed-wing pilots from the Lincoln, who were not that day flying off the carrier, came to work in oppressively hot tents to provide logistics control and support. USAID workers, who were among the true heroes of the effort, organized food, water, and medical supplies as directed by Indonesian government officials, to be put on helicopters or sometimes Marine hovercraft, VCACs, which could gain access to isolated regions along the shores, once the debris and human remains had been removed from the shorelines.

Even though the main work of removing bodies of victims in Banda Aceh had concluded days before, the State Department security official noted to me that each day debris from collapsed buildings was removed, a dozen or so body bags carried additional victims from beneath the rubble.

One of the first people who met me was Pierre King, the French leader of a unit from the International Organization of Migration, IOM, a critically important group of workers who had been on the scene from the beginning. He asked me to tell the American people that American troop efforts and that of volunteers had been outstanding. This was the theme heard time and time again from many different sources.

When I arrived at a concrete structure serving as the command center, Indonesia's coordinating minister in charge of relief efforts, Alwi Shihab, an old friend who had visited me in Washington, DC a week before the tsunami, expressed the profound gratitude of the people of Indonesia for the great work the Americans had done. He expressed his hope that the U.S. troops would stay in the country until Indonesian resources could take over the immediate relief effort.

Later, the Indonesian Defense Minister, Juwono Sudarsono, told Deputy Secretary of Defense Paul Wolfowitz that the United States had been the backbone of the relief effort. Secretary Paul Wolfowitz and I later met with Indonesian President Susilo Bambang Yudhoyono, often referred to, for obvious reasons, by his initials SBY. The President expressed his gratitude for the relief work of the United States military, and he said he hoped that Indonesia would be able to take over any further needed relief work within 3 months and probably sooner.

This entire effort and the saving of untold lives was made possible by the outpouring of voluntary assistance as well as the work of troops assigned to the region.

In Jakarta, the capital of Indonesia, later I learned that when the United

States began loading our C–130s with vital relief needs, our embassy personnel, led by USAID workers, were joined by volunteers from the American Chamber of Commerce in Indonesia, spouses of American diplomats, and other American and international civilians living in the area who loaded the 20,000-pound pallets to be carried to Banda Aceh in the C–130s. It is clear that without their efforts the scope of the tragedy of the tsunami itself could have been magnified many times by starvation and disease, killing Indonesians in the impacted areas who had survived the disastrous wall of water brought in by the tsunami.

Aid for severely injured victims in Indonesia was provided initially by United States naval doctors and corpsmen, and the most seriously injured were transferred to high-level care facilities on shipboard. Later field hospitals were provided by other countries, including Jordan, Spain, and France. The latter provided a 74-ton field hospital, which our heavy-lift Marine helicopters were able to transport to the disaster scene. Most of the severe injuries had been cared for by the time we arrived, and several of the field hospitals were preparing to return to their home countries because their mission had been fulfilled.

I was told that one Marine hovercraft had blown a portion of a pallet into a resident, injuring him. He was treated by a Navy corpsman, taken home by the Marines who were there unloading the hovercraft.

But the real challenge is to health, the lack of healthy water supply and sanitation, creating the danger of tetanus, typhoid, and other disease. One of the Philippine nurses in the IOM tent proudly showed me the tetanus, typhoid vaccines, and other medicines they were administering to protect survivors from disease.

The need for clean water was addressed initially by U.S. Admiral Doug Crowder, commander of the Abraham Lincoln Strike Force deployed to the region on an emergency basis. The carrier was able to generate 90,000 gallons of purified water, in addition to its needs each day, to be delivered to the residents of the stricken region.

Also we saw in Jakarta USAID personnel prepared large water jugs with water purification chemicals attached to them to enable purification of water on the ground for residents whose water supply had been severely compromised.

In addition to the volunteer efforts I described, great work was done by our allies in the region. We need to make special reference to them. Singapore supplied helicopters for relief efforts. Australia brought in C–130s for heavy lift, as did New Zealand. Other countries in the region played valuable roles as well. Japan contributed. Thailand, which had over 5,000 deaths in its hotel and resort area of Phuket, was able to handle the disaster relief with its own forces and volunteers, not calling on other countries for assistance.

In addition to dealing with the problem in his own country, Prime Minister Thaksin Shinawatra promptly offered the use of its airfield at Utapoah as a central U.S. staging point for airlift relief supplies going into northern Indonesia.

The Government of Malaysia, led by its newly elected Prime Minister Abdullah Badawi, acted quickly to clear all necessary flight access for relief efforts and to permit our military aircraft to utilize vitally needed airports for operations into Indonesia. After meeting with government officials and volunteers on the ground on January 15, I joined our United States ambassador in Indonesia, R. Lynn Pascoe, and Deputy Secretary Wolfowitz on a helicopter tour of the devastated areas of northern Aceh.

During my time as Governor, I saw devastation of areas hit by floods and tornadoes. I thought I had seen the worst. In addition, all of us in America who watched television saw stark pictures of the floods, the destruction, what was left after the tsunami struck. But what I saw from the helicopter was beyond anything I had ever seen before in both its extent and magnitude. The extent and magnitude were nothing short of cataclysmic. We saw from the air broad reaches of low-lying portions of what had obviously been a reasonably prosperous Asian community turned into piles of large matchsticks with buildings torn completely off their foundations. Remnants of fishing vessels perched hazardously against remnants of structures hundreds and hundreds of yards from shore. Small fires were burning where surviving residents were cleaning up debris and burning the trash.

As we flew down the shoreline for a short way, we saw the sides of cliffs carved out where the tsunami wave had bulldozed huge sections of the cliffs. This slide from a helicopter window shows the new cliffs which have been carved out by the floodwaters as they hit in those areas. The only trees left standing were very young pine trees which apparently were slender and supple enough to avoid being broken off by the tsunami. Small towns along the way were identifiable only by foundations of buildings which may have been businesses, farms, or homes, but otherwise totally unrecognizable. In some areas, bridges were wiped out and in other areas the highways near the shore were covered in large expanses of sand. It was obvious that fields which had been cultivated were likely turned into barren salt and sand wastelands.

In addition to the large swath of devastation cut across Banda Atjeh, the devastation continued on to the horizon along the shore where the tsunami had wiped out manmade and even natural structures.

Later, I learned that the Navy operations to bring in relief had to await remapping of the shoreline because even the underwater structures had been so changed by the tsunami that the navigation charts were unreliable. From the helicopter, we obviously just had this bird's-eye view. But from the relief workers and news reports in the area, we gained a much more detailed understanding of what had transpired.

In the January 15 edition of the International Herald Tribune, it was reported that the seashore town of Calang, with 7,300 people, had been left after the tsunami with nothing other than the skeleton of one house of a wealthy resident. There were no signs of shops, houses, restaurants, or a mosque which had been there. Of the 7,300 people thought to live in the town, 323 bodies were found, and 5,627 residents were listed as missing—more than 80 percent of the community. We could only assume that they and thousands of others in isolated regions were swept out to sea. The total loss of life may never be known.

The IHT reported news of similar devastation along a coastal region where villages were flattened, leaving no roads, bridges, ports, or airstrips. It was reported that one swampy area had approximately 100 floating bodies, and nobody had been able to gain access to remove and bury the dead.

In a subsequent report on January 18, IHT noted that the Red Cross had given up attempting to compile a list of those missing, and decided to pursue what tragically was a much smaller listing of those who survived. It was a publication called simply ''I Am Alive.'' The news story recorded a heartwarming and touching account of an 18-year-old boy who was able to find his 8-year-old brother who had been torn out of his arms in the waves. But the number of reunions had been tragically small, with only one or two other reunions recorded.

Before I visited Banda Aceh, I had read and was concerned about reports indicating that the response to the tsunami had been slow. But as I learned more about the nature of the devastation, I gained a better understanding of why it was slow. Apparently, there had been a major sports celebration in Banda Aceh when the tsunami struck, and most of the town's leaders were in the low-lying areas as were a large number of the TNI military and its leaders, and most of the communication facilities in Banda Aceh. These were all washed away—the citizens, the leaders, the local officials, and the communications facilities. It was many hours before aircraft flights over the area could discover the extent of the destruction.

Despite the uncertainty and despite a lack of knowledge of the exact nature of the destruction, initial reports of the tsunami brought immediate proactive reactions from a lot of U.S. leadership—ADM Thomas Fargo, our Pacific military commander, and our Ambassador to Indonesia, R. Lynn Pascoe, as well as organizations like the American Red Cross, the International Organization for Migration, and the Governments of Singapore, Australia, and New Zealand.

Ambassador Pascoe immediately made available $100,000 to the International Red Cross to purchase badly needed supplies and medication. He also tasked the IOM to mobilize truck convoys which enabled land relief with 80 trucks to reach Banda Aceh within some 5 days after the tsunami. Admiral Fargo's proactive order to turn the USS *Abraham Lincoln* around to the straits of Aceh, cancel shore leave and move it from Hong Kong to the straits of Aceh, brought in helicopter relief to isolated areas 6 days after the tragedy.

It is obvious that this is a natural tragedy of historic proportions. The loss of life has truly been staggering, but the displaced and endangered people in the region are even a far larger number. Our relief efforts for the immediate needs have been generous and prompt, but there will be much more work to be done.

Now, several misinterpretations of our efforts in Indonesia have appeared in the press and I need to address that. Many people interpreted the remarks of the Indonesian Vice President as ordering American forces out of Indonesia by March 26. In fact, our Ambassador and military officials agreed with the Indonesian Government that our troops—diverted to the country from scheduled and needed rest and relaxation—would stay only as long as absolutely needed and wanted by the country's government. All parties knew that the time of our troops' commitment would be, at the most, no more than 3 months. I believe the Vice President's announcement of departure by March 26 was a prediction of the schedule, not an ultimatum.

Our mission in Indonesia was well described by Marine GEN Christian Cowdrey who, as commander of the Combined Support Group, told the Indonesians, ''We are here to support your efforts, at your direction, where you need it.'' He made it clear that we intended to stay as long as the Government of Indonesia requested our assistance, and as soon as our assistance was no longer required, he would return to the home base and station. There were 8,000 marines and sailors assisting in the relief effort, and the majority of them were based on ships to limit the number of people on shore who needed to be supplied.

The short-term nature of our commitment was reinforced by an announcement by Admiral Fargo this past Friday that withdrawal of the troops would begin immediately, transferring relief operations to host nations and international organizations. He predicted that all 15,000 U.S. troops would be withdrawn within 60 days—well short of the predicted maximum of March 26—as the mission in Indonesia moved from the immediate relief phase to rehabilitation and reconstruction.

Another press report suggested Indonesia had demanded that our aircraft carrier, the USS *Abraham Lincoln*, leave its waters. This report seemingly was based on sightings of the *Lincoln* heading to open waters.

Well, I had the opportunity to ask ADM Doug Crowder, commander of the Lincoln Strike Force, about this report. He shook his head and smiled in dismay. He told me that he routinely had to conduct flight operations to keep his fixed-wing pilots current. He does not conduct these operations near shore and routinely goes out to blue water, 50 to 60 miles offshore. Even if he is in San Diego, he doesn't fly fixed wing off of his carrier on shore; he goes out to sea by that distance to blue water.

In Indonesia, his practice had been to send off his helicopters with supplies and shore volunteers in the morning, located near shore. He then would move the carrier to blue water for fixed-wing flights and return in the evening to retrieve his choppers and personnel for overnight.

Another story indicated that the U.S. Marines were prohibited from carrying any weapons while they were on Indonesian soil. As a father of a marine, this troubled me. I thought, are we sending marines in without protection? I inquired of Marine General Cowdrey if his troops were unprotected. He assured me that while marines engaged in humanitarian operations normally did not carry M–16 rifles, he never deployed his marines without adequate force and personal protection.

Another thing the relief operations did was to bring into stark reality the unintended consequences of congressional restrictions placed on our assistance to Indonesia. This was done supposedly to deal with human rights abuses by the TNI—the Indonesian military—during the times of authoritarian rule in that country through the aftermath of the East Timor referendum. Those restrictions were first imposed in 1991 and have been tightened since.

I have opposed continuation of these sanctions since Indonesia has chosen new leaders democratically, most recently this fall's 2004 election of President Yudhoyono; and the new leadership made a strong commitment to reform, to a recognition of human rights, and to fighting corruption. President Yudhoyono has shown he is a reformer; his permitting U.S. soldiers in Indonesia was opposed by hardliners in his Parliament. I believe we need to support him and his reform efforts, rather than strengthen the hand of anti-U.S. forces in his country. The main focus of the sanctions was to prohibit Indonesian participation in the International Military Education and Training Program, or the IMET Program, run by our military for our own officers and forces from friendly nations.

IMET provides training in modern military operations, including adherence to the Code of Military Justice, civilian control of the military, respect for human rights, and proper treatment of civilian populations—precisely by the principles that should be instilled in military forces thought to have been involved in human rights abuses in the past.

The major benefits of the program, however, are establishing relationships among our military leaders and commanders of friendly foreign forces to assure they understand how to conduct military or relief operations together.

This principle is known as interoperability. The foreign officers learn English language skills so our allied officers can communicate. The failure to have such training in Indonesia almost resulted in a tragic midair collision of U.S. aircraft with a TNI helicopter operation.

Our military leaders, Secretary Don Rumsfeld, Deputy Secretary Paul Wolfowitz, and our Secretary of State, Colin Powell, have told me personally how important these IMET programs are and how important it is not to deny them to Indonesia. If our forces are to participate in military or relief operations with those of friendly nations, we must train together.

Also, as a result of U.S. policy, Indonesia was denied the ability to purchase necessary spare parts for its C–130 fleet, rendering its fleet of 24 planes largely inoperable. Had the Indonesian C–130s been available, relief and aid would have flowed much sooner and in greater quantity to Aceh. When Secretary of State Colin Powell learned about the limitation, he immediately responded by issuing a waiver to bring funding for spare parts and the parts themselves to Indonesia.

Beginning this past week, American and Indonesian mechanics began the installation of the spare parts, and soon more of the fleet should be ready for flight operations.

I look forward to working with my colleagues and the administration to reverse these unnecessarily restrictive policies at the earliest opportunity.

I might also say it has been disheartening to read some press accounts that have attributed the U.S. response as a shallow move to win better public relations in Islamic countries. Some of this nonsense, regrettably, appeared in American publications.

America is and always has been and always will be a force for social justice and humanitarian relief. It is notable that we are not challenged when we provide assistance for AIDS victims in Africa or elsewhere around the world, and I hope people will understand the genuine outpouring of American concern in this instance.

At churches in Washington, DC, and in my hometown of Mexico, MO, as well as in comments and discussions with many Americans here and at home, I have heard nothing but genuine expressions of great concern, sympathy, and willingness to assist. Voluntary charitable contributions of individuals, corporations, and other organizations have been to date overwhelming.

When I was in Kansas City and St. Louis on Monday of this week, I heard that the American Red Cross is seeking to raise $400 million, which is greater than the $350 million pledged by the

U.S. Government for assistance. I believe the figures, when you take in the amount provided by many different avenues through matching grant programs from employers, corporations, to their employees, the number of dollars going voluntarily will significantly exceed the initial commitment of the U.S. Government aid.

I might also add that the U.S. Government spends $5 million to $6 million a day in addition to that just operating its carriers in Indonesia.

As far as expressions of aid and commitment and compassion, I can tell you the marines and soldiers laboring in the oppressive heat of Aceh to put rice and clean water on helicopters to deliver to suffering people were not doing it to gain better public relations for the United States. Neither were the USAID or the charitable organization workers who had to overcome tremendous obstacles to bring relief to people in isolated areas of Aceh and northern Sumatra. They were not worrying about anything more than coming to the aid of suffering human beings.

With respect to the grievances of the Free Aceh Movement, President Yudhoyono, in his previous position in the Megawati administration, had begun negotiations with leaders in the region, but these negotiations were called off by then-President Megawati.

Prior to the disaster, negotiations had been started by the Yudhoyono administration, and it is my understanding these negotiations are continuing in Sweden currently. President Yudhoyono appealed to the free Aceh rebels to respect the humanitarian weapons and disavow use of arms.

Minister Shihab told me they had gone further and sent the message that his government wanted not just a cease-fire but a reconciliation. President Yudhoyono even met with Western diplomats to discuss ideas for finding a solution. Aceh is a rich region that has many resources, as well as a long tradition of antipathy toward Jakarta. But with the proper spirit on both sides, I have hopes that coming out of this tragedy in Aceh can arise a negotiated settlement that will recognize and respect the culture, views, and wishes of the Acehanese and keep them in the country of Indonesia.

It is also my hope that the immediate emergency relief effort that will come to a close soon will not signal the end of American interest and commitment to the region. Truly, I hope that the attention that has been brought by the very extensive media coverage of the tsunami will keep more attention in this body and the American public at large on the importance of good relations with the people in Southeast Asia.

There is much more that needs to be done over the long term to meet what I view as an exciting but challenging relationship in Southeast Asia. I will be addressing in the future the extent and the importance of this challenge in Southeast Asia, how it has importance—not just for the humanitarian interests which I described today but for political, economic, strategic, and national security concerns.

The tragedy of the tsunami has brought an unparalleled opportunity to invite more Americans to pay attention to an area of the world where we have vital interests. I hope when the tsunami relief efforts have passed, our friends and neighbors will keep in mind the need to strengthen our relationships in a very critical area of the world.

I thank the Chair and my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

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

QUALITY EDUCATION FOR ALL ACT

Mr. BINGAMAN. Mr. President, we are in the very early days of this 109th Congress, and one of the items we are all working at is identifying what the agenda should be for this Congress, for this country, and what issues should be given priority and attention, and what issues should be given priority in our funding.

Along those lines, we have tried to introduce some bills early in the Congress to highlight priority concerns and priority issues for consideration by our colleagues, by the country as a whole, and by the administration. One of those bills is S. 15. This is a bill that I introduced along with Senator REID and many other cosponsors on the Democratic side. It is called the Quality Education For All Act of 2005. This legislation represents a major step forward in advancing educational opportunities for millions of students around the country.

There is no question that we have made progress in recent years in advancing educational opportunity, but we still have very far to go. We need to look at ways to increase that opportunity and also to improve the quality of education in a meaningful and comprehensive manner.

This bill is about making sure that we are doing all we can in the 109th Congress to increase and improve educational opportunities for three different parts of our educational system. The obvious three are: Early childhood education; second, the education of people from kindergarten through the 12th grade; and third, higher education. Those are the three areas I want to briefly discuss today.

Beginning with early education, the foundation for learning begins very early in life. Early education provides critical opportunities to promote children's physical, cognitive, social, and emotional development.

We know that quality early education improves school readiness and fosters greater academic achievement and motivation in later years. Particularly this is true for children from low-income families.

Early education also provides a great return on our investment. The benefits include lower rates of grade retention, placement in special education, and juvenile delinquency, and higher rates of educational attainment and skilled employment.

These positive outcomes for children are not a guarantee when access to quality education is limited, and unfortunately lack of funding has limited access to quality early childhood education in our country.

To illustrate what I am talking about, I will refer to New Mexico, my home State. There are approximately 28,000 children under age 5 in New Mexico living in poverty who are eligible, by virtue of the income level of their families, for Head Start services, but due to inadequate funding of Head Start, New Mexico can only provide services for around 7,600 of those 28,000 children. An additional $186 million is required just to serve the other 20,000 or so eligible New Mexico children. This is without making any quality improvements, just expanding the services we are currently providing to the 7,600 to another 20,000.

My colleagues and I believe we need to increase access to early education. We need to strengthen the quality of those programs as well. The first thing this bill does is expand access to early Head Start for our youngest children. It also increases access to Head Start for children and families living at 130 percent of the poverty line. The current law says if a person's family income exceeds 100 percent of the poverty line, they are not eligible to have their children participate. We would like to see that increased to 130 percent. Too frequently the working poor are left out of these types of programs in that they are not poor enough, but clearly these same families do not have the resources to provide quality early education to their children.

The bill also seeks to strengthen the quality of these early education programs by making significant improvements to the quality of the teaching workforce. We provide grants to States to attract and retain highly qualified teachers, including grants to tribal colleges and universities to increase the number of postsecondary degrees earned by Indian Head Start staff. Plus, the quality set-aside in childcare will be increased from 4 percent up to 6 percent. With access to quality early education, children can enter school ready to learn, and that is in everyone's interest.

I will move on to the issue of educating our children from kindergarten through grade 12. The main legislation that we have passed at the Federal level related to this, of course, is the No Child Left Behind bill. It is intended to deal with this problem. Unfortunately, we cannot expect States

to meet the challenges of the No Child Left Behind Act without providing sufficient resources and guidance to them in how to do that.

The administration assured us that we would be able to fully fund the No Child Left Behind bill when it was enacted. The program in the current fiscal year is underfunded by about $7 billion. There are more than 2.5 million fewer children who are being served through that law than the law promised to serve. In this legislation I have introduced, we provide that the No Child Left Behind bill should be fully funded.

This issue is becoming critical for our schools for the simple reason that we are now in our third year after the enactment of No Child Left Behind, and there are a number of schools that are failing to meet the criteria set out in that law that has to be met, the adequate yearly progress number. They have failed to meet that AYP, adequate yearly progress number, for 2 years in a row. They are in a position now that sanctions will be applied to them for failing to do so.

At this point, Federal resources to help them avoid those sanctions are absolutely critical, and we give this a very high priority in our legislation.

The bill makes a number of changes to the law to ensure that the No Child Left Behind bill is implemented in the manner that Congress intended. It would give schools the option of recalculating their AYP scores from last year and do so by applying the administration's newly issued rules. This would save thousands of schools from inappropriate sanctions that were caused by the delay in publishing the rules that are called for in that act.

There is a particular provision in our legislation that I know Senator REID from Nevada feels very strongly about, as do many of us, and that is a provision to assist rural school districts with the resources they need to have good schoolbus transportation for all their students. There are many school districts in this country where the schoolbuses are antiquated, where they need to be replaced and modernized, and we provide some assistance to those school districts under this legislation to do that very thing. We call for full funding of the No Child Left Behind bill. We call for full funding of IDEA.

In the final area I wanted to talk about we call for greater access to higher education for all of our students. It is clear that we have many people who would like to be in college, many students who would like to continue with their college education but because of the inability to pay, they are not proceeding with that education. The estimate we have is that there are 180,000 of our young people in this country who are not going to college, to a university, because of their inability to pay.

This is a time when we are worried about too much of the work being done overseas that needs to be done to support our economy. We are worried about outsourcing. We are worried about the immigration of people into this country to take good-paying jobs. The reality is, if we do not educate and train our own young people to take these jobs that outsourcing will continue and will grow over time. So it is very important that we increase resources for higher education.

We are requesting additional Pell grant funds so more students can receive Pell grants. We also need to ensure that students who graduate from high school are ready to go to college, and we have funds for the TRIO Program and the GEAR UP program as well.

There are various provisions in this legislation, some of which were included in legislation introduced in the previous Congress. The truth is, we are trying as a Congress in these early weeks to determine what is going to be given priority, what will we, in fact, decide to fund, and what will we decide to neglect.

A week from this coming Monday the President will present to the Congress his recommended budget for the year. I hope very much that the commitment we are advocating in this legislation for educational funding, for increased access to education, and for improved quality of education, that that same priority will be reflected in the administration's budget we receive on February 7.

I do believe this is an important issue. It is one that has not been talked about a great deal in the last weeks and months. We hear the administration's agenda of what they want to get done in this Congress—with regard to privatizing Social Security, with regard to reforming the Tax Code, with regard to prosecuting the war in Iraq. There is not always much mention of education as a continuing priority. Our legislation tries to correct that. Our legislation tries to ensure that education is a continuing priority.

I commend it to the consideration of all of our colleagues, and I hope very much we will have a chance to enact many of the parts of this legislation as we proceed through the 109th Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

STOP GOVERNMENT PROPAGANDA ACT

Mr. DURBIN. Mr. President, this morning's Washington Post contains a story about yet another case of the Bush administration apparently using taxpayer dollars to try to buy favorable news coverage of their most controversial proposals.

In a column she wrote for the National Review Online, the conservative columnist Maggie Gallagher wrote that the administration's marriage initiative could ''carry big payoffs down the road for taxpayers and children.'' In fact, the big payoff so far appears to be to Ms. Gallagher herself.

According to the Washington Post, Miss Gallagher received $21,500 from the Federal Department of Health and Human Services in the year 2002 to promote the Bush administration's marriage initiative. She received an additional $20,000 from the administration for writing a report entitled ''Can Government Strengthen Marriage?''

Last year, Miss Gallagher defended the administration's proposal for a Federal constitutional amendment banning gay marriage in her columns, interviews, and television appearances. She also testified in favor of such an amendment before the Senate Judiciary Committee. I have her testimony.

I have attended many meetings of the Senate Judiciary Committee. It appears we will now need to ask each witness who apparently comes from the outside whether they are on the inside. Miss Gallagher was on the inside. She was such an insider that she was paid handsomely by some in the administration for her ''objective'' views on administration policies.

This is the third time in less than a month we have heard allegations of political payola by the Bush administration. It troubles me. I can recall recently being on FOX—I know you are surprised if you follow the newscast to know that I would go on FOX, but occasionally I think it is good for them to meet a Democrat—I went on Chris Wallace's Sunday show. We were joking ahead of time about Armstrong Williams. I said: Chris, before you ask me any questions on FOX, I have to ask you, Are you being paid by the administration to ask these questions? We laughed about it. But there is nothing funny when we hear about Miss Gallagher and Armstrong Williams. We learned the Federal Department of Education paid well-known conservative commentator Armstrong Williams—get this—$240,000 to promote the administration's No Child Left Behind Act in television and radio appearances. Picture this. We come to the Senate lamenting the fact the administration does not have enough money to send to our schools to help failing children do better on tests and improve their education.

The administration says: We can't afford this; we do not have the money to help children in school. But they found almost a quarter of a million dollars

for Mr. Armstrong Williams to tout their program and do so in a way that was deceiving.

Mr. Williams, an African American, was hired by the Education Department to promote the law on his nationally syndicated television show to urge other Black journalists to do the same. As part of the agreement, Williams was required to regularly comment on No Child Left Behind during the course of his broadcast, and to interview with Secretary Rod Paige from the Department of Education for TV and radio reports that aired on the show during 2004.

We learned earlier this month from the New York Times that the Bush administration is planning a new propaganda campaign. According to the New York Times, the Social Security Administration is gearing up for a marketing campaign to sell the false claim that Social Security faces dire financial problems requiring immediate action. The new campaign would support the administration's highly controversial desire to partially privatize Social Security.

There used to be a time when our Government would let the facts speak for themselves. It apparently is the position of the Bush administration that the facts in and of themselves are not articulate; you need to have people to articulate the point of view to put the appropriate political spin on that point of view so the public can understand the gravity of the issue.

The American people get this and they understand it. They know the sky is not falling when it comes to Social Security. They know, as we have proven time and time again, left untouched, without a single change, no revision in the law, Social Security as a program will make every payment it has promised to make, with a cost-of-living adjustment every single year to every Social Security recipient, and it will do so until 2042, by one estimate, or 2052 by another, 37 years of solvency in the Social Security system.

The President today said we want permanent solvency in the Social Security system. Wouldn't it be great if we could say that? The President cannot even promise that next year his budget deficit projection is going to be accurate. He wants us to say 47, 57, 87 years from now Social Security will never have a problem. We cannot do that. We do not know what is going to befall this Nation.

Who would have known in the early 1950s about a birth control pill? Who would have known about the advances in medicine in the 1960s? Who would have known that we were going to enact Medicare so seniors would live longer? Who would have known that we were going to have demographic changes in America reflecting immigration to this country?

We do not know those answers. We speculate and try to make our best guess as to where Social Security will be. If the President wants us to stand here and say with a straight face that we have guaranteed permanent solvency for the Social Security system, it can never be done. Neither can he predict with any certainty, as he has proven, what his own budget deficit will be a year or 2 years from now.

Now they start the propaganda campaign through the Social Security Administration which is supposed to line up the ad agencies to convince the American people the sky is falling on Social Security and the only cure is to take money out of the Social Security system, cut Social Security benefits, and increase the deficit in America by $2 trillion in the first 10 years. This retirement roulette which this administration is pushing says to retirees that they should take money out of Social Security and play the stock market.

Make no mistake, many Americans, including my family, invest in mutual funds and in the stock market. We are doing OK. We have good years and bad years. There is no guarantee. As they say over and over on their ads, last year's performance is not a predictor of what next year's performance will be. There is uncertainty and risk.

If we take money out of Social Security to play retirement roulette in the stock market, we leave retirees vulnerable. Assume for a second we figure out how to pay for it, which the President has not, but if the retirees guess wrong, what will happen? What if today's retiree receiving $1,200 a month from Social Security receives only $600 a month? How do they survive? If they are lucky they have savings and maybe a family to support them. But if they are not, where do they turn? They turn back to the government. They say to the government: We guessed wrong. We invested wrong.

That is what the President thinks is the way to assure the American people of the solvency and reliability of Social Security.

It appears he is not doing very well convincing Members of Congress of either political party. So they have decided they need the Social Security Administration to come up with a technical plan. This chart, which will be difficult if not impossible to read by those following this on television, lays out the objectives of the Bush administration's marketing tactical plan in the Kansas City region when it comes to the current Social Security system. The American people are not buying the President's message. He hires an advertising firm, a marketing firm, to try to convince them that what he says is true. The facts, obviously, cannot speak for themselves. This marketing firm has to convince the American people of the ability of the Social Security Program to pay promised benefits to current and future beneficiaries. The message is, necessary reforms must take place. We must address long-term solvency now. The sooner the changes are made, the more time people will have to adjust.

On and on. Staff meetings. Tactics. How to measure their success. And budget.

The Social Security Administration is no longer in the business of just telling the facts. The Social Security Administration is now in the spin business. It is supposed to color the facts, to change the story, convince the American people of something they are not believing.

My office, having obtained that, understands this is not accurate. What I have described is simply propaganda.

According to the Social Security Administration's own official numbers, the trust fund is not only solvent but running a surplus. I know that to be a fact because I happened to have served in Congress when we made a conscious bipartisan decision in the middle 1980s. President Ronald Reagan—no question about his Republican credentials—went to Tip O'Neill, the leading Democrat in Congress, and said: Mr. Speaker, we need to get together. Baby boomers are coming and we need to be prepared. And changes were made, bipartisan changes were made. And we bought solvency and longevity for Social Security.

We did this in the mid-1980s, and our work then guaranteed that Social Security could make its payments for 57 years. That was a heavy lift, but we did it, and we did it in a responsible, bipartisan fashion. We understand that.

There is enough money in the Social Security trust fund to pay every penny until 2042, and even after that, if we did nothing, to make 73 percent of the projected payments if we make no change in Social Security.

Now, I personally believe we should make some changes, but responsible, bipartisan changes. We can make commonsense changes in Social Security that can give it an even longer life.

When I have asked the people in Illinois, what do you think we ought to do about Social Security, do you know what they say overwhelmingly? Why doesn't the Federal Government pay back into the Social Security trust fund all the money it took out? Good question. Frankly, we were on a course to do that. When President Clinton left office 5 years ago, we were running a surplus, and with that surplus we were retiring the debt of the Social Security trust fund, paying back what the Government had borrowed from it and giving even longer life to Social Security.

Well, in came the brave, new world of the Bush administration with a new economic policy. They said: If we have a surplus, then clearly that means we need a tax cut. The Government ought to give back the money it has in surplus in Washington, ignoring the obvious, that we still had the deficits in the Social Security trust fund that needed to be addressed.

So President Bush successfully pushed through a tax cut, primarily for the wealthiest people in America, and we stopped retiring the debt of the Social Security trust fund. We not only

turned that corner from surplus, we went into deficit, facing the deepest deficits in the history of the United States under the Bush Presidency. We never had larger deficits. And how do you finance a deficit? You borrow the money from the Social Security trust fund, making it even more precarious, more uncertain.

We had a plan for making Social Security strong. It was called a surplus, buying down the debt of the Social Security trust fund. The Bush administration destroyed that plan with tax cuts, with a weak economy, and with the war which is very costly not just in human terms but in terms of tax dollars.

So how do we keep Social Security solvent now facing the reality of Bush economics? Well, I think, first, we look at the obvious and we speak truth to the American people. Social Security is not in crisis. It is challenged beyond the year 2042. We need to do the right thing to make certain we meet those challenges. We do not want to misuse the resources of this program or its employees in the Social Security Administration to try to manufacture a crisis. That would be wrong, wrong to the American people.

If we cannot start the discussion on Social Security with an agreement on facts, if we cannot start with a bipartisan approach that tries to find solutions, as President Reagan and Speaker Tip O'Neill did, we are not likely to have success.

The Social Security Administration's ''tactical plan'' states that the agency will ''insert solvency messages in all Social Security publications; place articles on solvency in external publications''—the list goes on and on. This is going to be a press release mill to try to gin up a crisis. Instead of objective information, we are to receive from the Social Security Administration the political spin, the best possible spin on the President's Social Security proposal.

There are several propaganda tactics, all of which are evident in this Social Security Administration plan.

Appeal to fear—''In 2042,'' they say, ''the Trust Funds will be exhausted.'' That is not true. The trust funds will be able to make 73 percent of all payments after 2042 if we do nothing. And I have not met anybody who says we should do nothing.

Appeal to authority—''The President has said that reform is easier to implement if done far in advance.'' You cannot quarrel with that premise. What we did in the mid-1980s bought us over 50 years of solvency. What we do in 2005 can buy us even further longevity and permanency in Social Security.

Then: Glittering generalities. Here is one that is used in the Social Security Administration propaganda plan: ''Longer, healthier lives mean change is needed in long-term Social Security financing.'' Well, you cannot argue with that. If people are going to live longer, people are going to have to pay out more. But let's be honest about how much we are going to pay out.

Then: The bandwagon effect they are trying to create: ''On December 21, 2001, the President's Commission to Strengthen Social Security issued its report [according to this tactical plan], which outlined three alternative models for Social Security reform.''

What the talking points the Social Security Administration wants to share with the American people fail to mention is that President Bush charged the Commission with finding a way to make privatizing Social Security work. This Commission was not given a blank slate. They were told what their goal was: Get in that room and don't come out until you have justified privatizing Social Security.

Also missing from the plan is any mention of a crucial fact: By diverting $1 or $2 trillion—with a ''T,'' trillion—away from Social Security and into private investment accounts, risky investment accounts, just in the first decade, the administration's privatization plan would actually make Social Security weaker. It would change what we have as today's challenge into a real crisis.

At the time the Armstrong Williams payoff story broke, Mr. Williams reportedly told a journalist for another publication: ''There are others.''

Well, how many columnists are on the administration's payroll? How many people will you watch on the nightly news tonight who are receiving some sort of a payola check from the administration to give you the facts ''straight,'' to be ''fair and balanced''? The honest answer is, we do not know. More are coming to light every day.

There are indications we have serious problems. In the past year, the nonpartisan Government Accountability Office, Congress's watchdog agency, has released two legal analyses finding that two Government agencies violated the Government's prohibition on publicity and propaganda.

The prohibition against using taxpayer dollars and Government agencies to produce propaganda was put in place in 1951, during the McCarthy era. The prohibition was intended to balance the duty of Federal agencies to provide information with the not uncommon urge to try to manipulate public opinion. We said, 50 years ago, it was wrong. It is still wrong today.

According to the GAO, the Office of National Drug Control Policy violated the publicity and propaganda prohibition when it produced and distributed fake news stories called ''video news releases'' as part of its National Youth Anti-Drug Media Campaign. The GAO concluded that the agency's fabricated news stories were nothing less than ''covert propaganda.''

In a separate report, the GAO found that the Centers for Medicare and Medicaid Services violated the publicity and propaganda prohibition by disseminating fake news stories touting the supposed benefits of the new prescription drug law.

The stories featured phony reporters telling viewers that ''all people with Medicare will be able to get coverage that will lower their prescription drug spending.'' That is simply not true.

The bill that is going to be introduced next week by Senators LAUTENBERG and KENNEDY will clarify congressional intent in the 1951 law. I am happy to cosponsor this legislation.

Among other things, our bill will make it clear that any news releases that do not clearly identify the Government as their source are prohibited. No more Government propaganda masquerading as independent news.

Our bill will prohibit using taxpayers' dollars to try to buy favorable news coverage and manipulate public opinion.

Our bill will contain teeth. The agencies that violate the prohibitions will get more than a slap on the wrist. The Federal Government has a responsibility to be honest with the American people, to give them truthful information.

In the 3 years since we passed No Child Left Behind, the administration has refused consistently to fund the law. In all, the President's proposed budgets have shortchanged No Child Left Behind by a total of $26 billion.

Ask someone from Colorado, or from Florida, or from any State in the Union; the same thing is being said by school boards and school districts: Thank you for the Federal mandate of No Child Left Behind. Where are the resources to help the kids, who have fallen $26 billion short of what we planned on funding for this program?

Americans, when given the facts, understand the realities and make sensible choices.

Thomas Jefferson famously said that if he had to choose between a government without newspapers or newspapers without a government, he would go with the newspapers. Jefferson understood that access to reliable, accurate information is essential to democracy. So did another one of my heroes, a former newspaperman with whom many of us had the good fortune to work.

The late Senator Paul Simon of Illinois was a great journalist and a great public servant, my closest friend in politics, my predecessor in the Senate. When he was 19 years old, he dropped out of college and bought a weekly newspaper in Troy, IL. He used his paper to tackle crime and corruption. He understood that good government and good journalism are not mutually exclusive; they are inseparable.

Americans today are faced with many serious questions, concerning the education of our children, the cost and quality of health care, whether our sons and daughters will be sent to war, and how secure our retirement will be. Government propaganda denies people the information they need to make wise choices and erodes our faith in Government.

What we need is not propaganda but a commitment to truth and faith in the

ability of the American people to make the right decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

(The remarks of Mr. ALLARD, Mr. SALAZAR, and Mr. MCCONNELL pertaining to the introduction of S. 186 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEROES ACT

Mr. SESSIONS. Mr. President, I am very pleased to be standing here today with my colleague and friend, Senator JOE LIEBERMAN. We serve on the Armed Services Committee together. Much has been said in recent years about a lack of bipartisanship in the Senate, but there is an issue before us today that I believe all Members agree on, and certainly Senator LIEBERMAN and I do. We need to be sure that we care adequately and generously for the brave men and women who have lost a loved one who served this country in combat. We have offered together the HEROES Act. We introduced it Monday as S. 77, along with 20 other cosponsors. This is an overdue and critical piece of legislation that contemplates the moral obligation we in the Senate owe to our Armed Forces.

I am pleased Majority Leader BILL FRIST has made this legislation a part of his package of priorities for the year and that Senator JOHN WARNER, who chairs the Armed Services Committee, said he will give us a prompt hearing on the issue. I also note that Senator DEWINE and Senator GEORGE ALLEN of Virginia have also offered legislation relative to this issue.

No amount of money, of course, can ever replace the loss a family feels when their husband, wife, son, or daughter dies defending our country, carrying out the policies of this Government as they are directed by the Congress and the President of the United States. But this is a wealthy Nation, and we can and must do more to ensure that all those who fall in defense of the United States know without a doubt that their loved ones will be well taken care of—generously taken care of.

Earlier this month, on a trip to Iraq, I flew from Baghdad to Kuwait aboard a C–130 about 9:30 at night. It was a very somber trip because traveling with us were two flag-draped coffins, the remains of soldiers who had given their lives for their country. They are doing this too often. They are doing this true to the mission we ask of them and to the fellowship and the spirit and the courage of the units with which they serve. As those coffins were removed from the aircraft—and I saw all the service people who were at the airport that night spontaneously come out to be there to show their respect—it reminded me, once again, that this legislation is important. This grateful Nation needs to be generous to those who have served.

The families are not coming to us. They are not asking and demanding more money and more benefits. They have always borne the cost and hardship of military service silently, proudly, and steadfastly. However, those of us with the power to enact change must ensure that we are adequately meeting our responsibilities as a people to those families who serve us. The HEROES Act will do that, and it should move through this Congress as expeditiously as possible to final passage.

I am also pleased to announce this legislation has resonated with various organizations that work to ensure the best services and benefits for our veterans. They have read the HEROES Act and decided that this is the right thing to do for our Armed Forces. As of this afternoon, the 380,000 members of the Military Officers Association of America, the 2.4 million members of the Veterans of Foreign Wars, and the 2.8 million members strong of the American Legion and the National Military Families Association have all voiced their unqualified support for this legislation. I am proud to have their backing, and I ask unanimous consent that their letters be printed in the RECORD.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, January 24, 2005.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary, I would like to offer our support for ''The HEROES Act of 2005,'' legislation that would amend Title 10 and Title 38, United States Code, to improve benefits for the families of deceased members of the Armed Forces.

As the number of servicemen and women killed in the war on terror continues, it is imperative that we recognize the need to provide not only emotional support to their families, but much-needed financial assistance during this troubling time.

By increasing the current $12,000 military death gratuity payment to $100,000, your legislation will stand by the Federal government's promise to take care of those left behind when a servicemember dies in the line of duty. We also applaud the bill's proposal that would increase the Servicemembers Group Life Insurance (SGLI) maximum benefit from $250,000 to $400,000. VFW resolution 642, passed at our National Convention in August, calls for legislation to improve the SGLI benefit; an increase we believe is long overdue.

Once again, thank you for introducing legislation that will help ensure that those families that have lost a loved one in the name of freedom receive the support and financial assistance that truly demonstrates our appreciation for those who sacrificed all.

We look forward to working with you and your staff on this legislation. As always, thank you for your continued support of America's veterans.

Sincerely,

DENNIS CULLINAN,
National Legislative Service.

THE AMERICAN LEGION,
Washington, DC, January 25, 2005.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: On behalf of the 2.8 million members of The American Legion, I would like to express our full support for the Honoring Every Requirement of Exemplary Act of 2005/HEROES Act of 2005. The initiatives outlined in this bill will greatly assist the families and loved ones of servicemen and women who died in combat.

The American Legion supports the augmentation of the lump-sum death benefit and the maximum payout from life insurance to families of soldiers killed in combat. For those who have made the ultimate sacrifice in defense of our freedoms, this act goes far to ease the hardships incurred by those families. However, The American Legion believes the benefits of this act should be extended to the families of all our servicemen and women killed in the service of the nation.

Once again, The American Legion fully supports Honoring Every Requirement of Exemplary Act of 2005/HEROES Act of 2005. The American Legion appreciates your continued leadership in addressing the issues that are important to veterans, members of the Armed Forces and their families.

Sincerely,

STEVE A. ROBERTSON,
Director,
National Legislative Commission.

NATIONAL MILITARY FAMILY ASSOCIATION.

The National Military Family Association thanks Senator Jeff Sessions and Senator Joe Lieberman for their active interest in the well being of our military families should the unthinkable happen. NMFA is grateful for the recognition in The HEROES Act of 2005 that the election of insurance is a family decision and for including a provision to ensure that spouses are included in that important decision.

For the family members of a fallen servicemember, NMFA knows that there is no way to compensate them for their loss, only to help them prepare for their future. We strongly believe that all servicemember's deaths should be treated equally. Servicemembers are on duty 24 hours a day, 7 days a week, 365 days a year. Through their oath, each servicemember's commitment is the same. The survivor benefit package should not create inequities by awarding different benefits to families who lose a servicemember in a hostile zone versus those who lose their loved one in a training mission preparing for service in a hostile zone. To the family, there is no difference. NMFA therefore supports proposals for improvements to the survivor benefit package that are consistent with our philosophy that all active duty deaths be treated equally. We encourage Members of Congress to examine the total package with the goal of recognizing the service and sacrifice of the servicemember and family and providing compensation that promotes the financial stability of the family.

KATHLEEN B. MOAKLER,
Deputy Director, Government Relations.

Mr. SESSIONS. Mr. President, I thank them for their service to the Nation over the years, for their concern for our men and women in uniform, and for their support of this legislation. The loss of a family member in combat is, indeed, a terrible tragedy for the survivors. I have had the responsibility to call numerous families in Alabama since the war on terrorism began and talk to family members and attend funerals and wakes for those who have been lost. So many things occur to these families all at once. In the midst of their grieving, plans must be made for funerals, transportation of loved ones, and families must bear all the expenses and arrangements. To the survivors, it will feel like everything in the world has come to a shattering standstill. Indeed, there may be requirements that a family move, relocate, or either sell or purchase a house. There are great numbers of expenses that can occur for them at that time. The enhanced benefit package we have offered will ensure that our military families do not have to worry about these day-to-day realities as they are having to go through the painful exercise of burying a loved one.

Senator LIEBERMAN is here. He has cosponsored and worked with us on this legislation. I note that it raises the $12,000 death benefit to $100,000. It raises the Servicemen's Group Life Insurance from $250,000 to $400,000. Those increases will keep these payments up to date with current reality and be an expression of national support for those families.

It is an honor to work with Senator LIEBERMAN on the committee on a lot of different issues. We thank him for his leadership in the Senate and for his support of our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Alabama for his kind words. I thank him for his leadership on this issue and so many other matters to our Nation's security and for those who fight and serve in uniform to protect us.

Senator SESSIONS and I have worked together as members of the Armed Services Committee. He was chair, and I was ranking Democrat on the Airland Subcommittee. In some ways, the public, after listening to the chatter and the noise, would be surprised to hear we work so often in these committees with total nonpartisanship in the national interest, which is the way it ought to be.

I forgot the moment, but we were considering the question of what kinds of benefits there are for our men and women in uniform, and we came to death benefits. We were both, frankly, shocked and embarrassed and ultimately outraged that it had been $6,000, just raised to $12,000. When you think of death benefits generally and the impact on a family, the loss of a loved one, it just cried out for some kind of change. That is what this proposal, the HEROES Act, is all about and why I am so proud to join with Senator SESSIONS and the other cosponsors in introducing it and why I am grateful Senator FRIST included this as one of his priority items on his leadership list of measures introduced.

I had one of those moments we all have—I guess all Members of the Senate do this—where I got word today of a loss of another Connecticut soldier, SGT Thomas Vitagliano. If I am not in the State because we are in session, I always reach out to call the family.

I spoke with his mother earlier today. These are extraordinary people. She spoke with a strength that I must say was inspiring. I said: There is nothing I can say to fill the gap that is there because of the loss of a loved one in service of country. All I can say to you is, thank you on behalf of myself and a grateful nation and please know that your son is a hero.

She said to me: He loved his service in the military. He was a big guy and he had a great sense of humor, but he was really serious about his service in the military.

I know that he was killed by an improvised explosive device, IED, basically a bomb. She said to me: I know that he died in service of his country, he died doing what gave his life meaning.

She also said to me: Senator, I am really thinking now in just the words you said, as the mother of a hero. There will be a time after his burial when I will think as a mother, and it will be a very hard time. But today I am thinking as the mother of a hero.

That is what this HEROES Act is all about, Honoring Every Requirement of Exemplary Service Act, the HEROES Act of 2005. We could not come up with any sum of money to reimburse a family for the loss of a loved one, but the fact is that these folks put their lives on the line for us. They are there, more specifically, as a result of our decision and the President's as Commander in Chief. The least we can do for them is $100,000 in a death benefit.

I am very pleased, also, as I believe Senator SESSIONS said, that under this HEROES Act we are going to increase the Servicemen's Group Life Insurance, or SGLI as it is called. That is a benefit that is now at $250,000. It is basically term insurance. It is a pretty good plan. It is not a typical death benefit that we are offering for those who are killed in action, but it certainly, obviously, goes to the survivors of those killed in action. By the HEROES Act, we are adding $150,000 of life insurance for troops serving in a combat zone, and the premium for that $150,000 will be paid by the U.S. Government.

So we have a circumstance where if a soldier has bought the SGLI, the Servicemen's Group Life Insurance, their family will receive the $250,000, for which the soldier pays, $150,000 which we pay, and $100,000 that will now be the death benefit, and that will be a half million dollars, which in these days is not a lot of money for families left without a parent, a spouse, children who are going to have to be sent through college and all the expenses related thereto.

The $12,000 that is the existing death benefit is so shockingly paltry, but all the more so when you focus on the fact—and this earlier $6,000 goes way back when it was first set—that the military has changed. Our military, as all of us know who serve on the service committees or visit our military or just see our Guard and Reserve at home, is no longer primarily a group of 18-, 19-, and 20-year-old single men. More than 60 percent of our service men and women on Active Duty have a family.

If my colleagues have visited, they know in Iraq about 40 percent of the Americans there in uniform are Guard and Reserve. Those folks are in their thirties, forties, and during my visit at the end of December I saw a few who were in pretty good shape but looked as though they were in their fifties.

So these are people who have families, and if killed, it will leave a terrible void in the life of those families. And in some small way we hope to fill that void monetarily by providing this increase in support.

Incidentally, the HEROES Act will also direct the military to discuss the level of insurance selected with a spouse or other beneficiary to ensure that family members are informed and fully participating in these important decisions.

The great President Theodore Roosevelt once said: A man who is good enough to shed blood for his country is good enough to be given a square deal afterward. I would attempt to update the great TR's wisdom and words by saying that a man or a woman who is good enough to shed blood and risk life for our country should know when doing so that their families will be taken care of no matter what happens. That is the purpose of the HEROES Act.

I do not think I have ever introduced legislation that I have felt better about or, frankly, felt more optimistic about. I cannot believe this is not going to pass overwhelmingly and be supported overwhelmingly. When we think of all we are spending—incidentally, it is retroactive so anyone who has been killed in Iraq or Afghanistan will receive these full death benefits. What it will amount to in total is a fraction of one percentage point of what we are spending every month, probably every day, in Iraq. It is the least we can do.

I am proud to be part of it with Senator SESSIONS. I thank him again for his leadership. He and I and all the others are going to stick with it until we get this done and the checks start to go out to those who have given their all to protect our security and advance the cause of freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, has the Senator from Alabama finished?

Mr. SESSIONS. I would like a few minutes to finish up if the Senator will yield.

Mr. TALENT. I will yield.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator TALENT for his courtesy which is well-known in this body.

Mr. President, Senator LIEBERMAN is correct. The families I talk to so often say to me about their son or daughter or spouse who lost their life that they loved their work, they were doing what they wanted to do, they believed in what they were doing, and that gives them comfort. I have heard that over and over again. It is very similar to what the Senator heard today.

I know the Senator's call was very comforting to the family because I know the Senator has the sensitivity and judgment to reach out to them in the proper way. It is not an easy thing to do, for sure.

I have, indeed, valued the Senator's partnership on the Airland Subcommittee. We have never had a harsh word nor even a serious disagreement. It does show that those of us who are from different parties love America, we want to see our military using the money wisely and doing the right things with it.

It has been a pleasure for me to work with the Senator from Connecticut. I have learned so much from him.

I will not go over the benefits of the program, which Senator LIEBERMAN has already mentioned. I think that this legislation is a step in the right direction. I would note that it is retroactive to the beginning of the war in Afghanistan. I would also note that the Defense Department has studied this legislation. I asked them to do that last year as part of our Defense bill. They support it. It will have an initial cost estimated at $459 million, and it should drop to half of that in the future and hopefully much less than that. I think these costs are clearly justified.

Our service members are assigned all over the globe in dangerous parts of the world. As an editorial in the San Diego Union Tribune said:

> The costs are beside the point. This is a case in which lawmakers have a moral obligation to do the right thing, regardless of cost.

I think this legislation is the right thing. I do believe we have great support so far and I look forward to seeing it become law. I also thank the Chair for his cosponsorship of this legislation.

I thank Senator TALENT for his courtesy, and I yield the floor.

Mr. TALENT. Mr. President, I was happy to yield to my friend. I thought he was finished or I would not have sought the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ EXTERMINATION CAMP IN POLAND

Mr. TALENT. Mr. President, I rise today on behalf of Mr. WYDEN and myself to speak about a resolution we are submitting to commemorate the liberation of Auschwitz, where more than 1 million people were murdered at the hands of the Nazis. Sixty years ago tomorrow, allied forces successfully liberated the most notorious of Nazi death camps, freeing those who managed to live in the most deplorable of conditions and yet somehow survive the greatest evil the world has ever witnessed.

For 5 long years at Auschwitz, men, women, and children arrived in cattle cars from all parts of Europe. Whether young or old, rich or poor, they were systematically stripped of their dignity before being murdered because of their religion and their deeply held faith in God. But 60 years ago tomorrow the genocide ended and the gates to freedom were opened.

With the passage of time, people tend to forget the events of the past, particularly if those events occurred well before their birth. The survivors of Auschwitz are elderly and they are dwindling in number, but their stories of how good successfully triumphed over evil will live on in our history and our hearts.

The resolution Senator WYDEN and I introduce today commemorates Auschwitz and urges all Americans to remember those who were murdered there, murdered for nothing more than practicing their religion. We owe it to ourselves and to future generations never to forget that horror.

I am pleased to say leaders from around the world, including Vice President and Mrs. Cheney, are traveling to Poland for tomorrow's commemoration ceremony. They will be joined by survivors who are still able to make the trip out into the Polish countryside.

I hope this resolution will serve as a reminder that the Senate, indeed all Americans, remembers the events of 60 years ago tomorrow. It is also my hope that when anti-Semitism rears its ugly head, the world will feel a collective responsibility to stand up and speak out against religious hatred. That at least will give meaning to the sacrifice of those who were murdered and incinerated in the ovens of Auschwitz.

Mr. President, I am informed that the resolution has been cleared on both sides. I am very pleased to hear that. On behalf of the leader, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 18, which was submitted earlier today, the resolution about which I have been speaking.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 18) commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland.

There being no objection, the Senate proceeded to consider the resolution.

LIBERATION OF AUSCHWITZ

Ms. MIKULSKI. Mr. President, perhaps more than any other word, Auschwitz is synonymous with evil.

Sixty years ago today, Russian soldiers liberated Auschwitz.

The horrors of Auschwitz are incomprehensible and undescribable.

Over 1 million people lost their lives at Auschwitz—the largest of the Nazi death camps. Ninety percent were Jews. Hundreds of thousands were children.

Auschwitz represented the Germans' campaign to exterminate a people—the Jews. They almost succeeded—killing 2 out of 3 Jews in Europe.

As a Polish American, I carry the images of Auschwitz in my heart.

The Nazis considered all Poles to be an inferior race. After Poland was conquered, German authorities expelled much of the native Polish population from regions of the newly annexed territories. Polish cities were given German names and German settlers were colonized on Polish land. In occupied Poland, the Nazi Governor, Hans Frank, proclaimed: ''Poles will become slaves in the Third Reich.''

The Nazis set out to destroy Polish culture. Thousands of Polish teachers, politicians, university professors and artists were executed or sent to Nazi concentration camps. Catholic priests were among the main targets of Nazi mass murder in Poland.

In fact, Auschwitz was created as an internment camp for Polish dissidents. And thousands of Poles were murdered alongside the Jews in Auschwitz.

Many Poles risked their lives to save Jews:

Irena Sendler was a young social worker in Warsaw. She used her position to smuggle 200 Jewish children out of the ghetto to safe houses. In 1943, Sendler was arrested by the Gestapo, brutally tortured and condemned to death. On the day of her execution, she was freed with the help of the Jewish underground.

Irena Adamowicz, a Polish Catholic, aided in establishing contacts between the Jewish Underground and the main Polish resistance organization.

Jan Karski, who, while working for the Polish Government in exile, was one of the few outsiders to visit the Warsaw Ghetto. He appealed to the Allies to do something.

As a Polish American, I traveled to Poland in the late 1970s. I was a Congresswoman. And I wanted to see my heritage. I went to the small village where my family came from. It was a very moving and historic experience.

But I also wanted to see the dark side of my history, and I went to Auschwitz.

In touring Auschwitz, it was an incredibly moving experience to go through the gate, to see the sign, to go to see the chambers. I went to a cell that had been occupied by Father

Kolbe, a Catholic priest who gave his life for a Jewish man there.

And then, for those of you who don't know, I am a social worker, I have been a child abuse worker and I don't flinch.

But then I got half way through that tour and I came to a point in that tour where I saw the bins with glasses and the children's shoes, and this 40-something-year-old Congresswoman could not go on.

I became unglued. I had to remove myself from the small tour, go off into a private place in Auschwitz, cry in a way that shook my very soul. And when I left there, I thought, now I really know why we need an Israel.

And that is why I will fight so hard to ensure the survival of Israel. I know its importance. I know why it exists. I will always fight for the survival and the viability of the State of Israel. My support is unabashed and unwavering.

I also know why it is so important for us educate our young people—about the effects of hatred, about the importance of history.

That is why I have worked with the Polish and Jewish communities in Baltimore to develop a U.S.-Poland-Israel Exchange program. Young people from America, Poland and Israel will join together to learn about each other's history and culture. They will visit Poland and Israel, to visit historical and religious sites, to learn together about history and to work together to build a brighter future.

In closing, I would like to read the words of Eli Weisel:

Never shall I forget that night, the first night in camp, which has turned my life into one long night, seven times cursed and seven times sealed. Never shall I forget that smoke. Never shall I forget the faces of the children, whose bodies I saw turned into wreathes of smoke beneath a silent blue sky. Never shall I forget those flames which consumed my faith forever.

Never shall I forget that nocturnal silence which deprived me, for all eternity, of the desire to live. Never shall I forget those moments which murdered my God and my soul and turned my dreams to dust. Never shall I forget these things, even if I am condemned to live as long as God himself.

Mr. President, 60 years after the liberation of Auschwitz, let us pledge never to forget. And let us honor those who died in the holocaust by fighting against bigotry, hate crimes, and intolerance.

Mr. TALENT. Mr. President, since I am going to ask on behalf of the leader the resolution be agreed to, I want to express my gratitude to his office and the Democratic leader's office for their expeditious handling of this resolution, and also Senator WYDEN and all those who have cosponsored it.

On their behalf, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the able.

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

The resolution (S. Res. 18) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 18

Whereas on January 27, 1945, the Auschwitz extermination camp in Poland was liberated by Allied Forces during World War II after almost 5 years of murder, rape, and torture;

Whereas more than 1,000,000 innocent civilians were murdered at the Auschwitz extermination camp;

Whereas the Auschwitz extermination camp symbolizes the brutality of the Holocaust;

Whereas Americans must never forget the terrible crimes against humanity committed at the Auschwitz extermination camp and must educate future generations to promote understanding of the dangers of intolerance in order to prevent similar injustices from happening again; and

Whereas commemoration of the liberation of the Auschwitz extermination camp will instill in all Americans a greater awareness of the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates January 27, 2005, as the 60th anniversary of the liberation of the Auschwitz extermination camp by Allied Forces during World War II; and

(2) calls on all Americans to remember the more than 1,000,000 innocent victims murdered at the Auschwitz extermination camp as part of the Holocaust.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEMOCRATIC POLICY COMMITTEE HEARING ON SOCIAL SECURITY

Mr. DORGAN. Mr. President, on Friday of this week we will be holding in the Democratic Policy Committee a hearing that deals with part of our overall goal to hold oversight hearings that are not being held by committees. This Friday's hearing will be on the subject of Social Security. Among the witnesses at this hearing will be Franklin Delano Roosevelt's grandson, the AARP, and we will have a couple of employees of the Social Security Administration who will testify about efforts inside the Social Security Administration to get some of the career employees to push the issue of privatization and the issue that there is, in fact, a crisis in Social Security. We are going to have a hearing on these issues.

Incidentally, we have invited witnesses who will provide a full range of opinions. A representative of the Cato Institute is invited to appear. As we have always done with our hearings, we have people with divergent viewpoints. As I indicated previously, I would invite any Republicans to join us at any of our hearings at any time.

Our intention is not to have hearings that are ''gotcha.'' Our intention is to have hearings, however, in circumstances where we believe oversight has not occurred. These hearings will give us an opportunity to explore issues in a more aggressive way.

We held hearings previously, for example, on contract abuses in Iraq by the Halliburton corporation. We will have another hearing on that subject, along with allegations about another company engaged in contract abuses in Iraq, because there is substantial waste, fraud, and abuse. The evidence of that is all around us. There is precious little effort or energy on the part of some in Congress to take a look at it and deal with it and do something about it.

SOCIAL SECURITY

Mr. DORGAN. Mr. President, I wish to make a couple of comments about the future of Social Security because the President talked about this issue again this morning. This is a big issue. I noticed in a recent newspaper article that someone, who philosophically doesn't appear to believe in Social Security, said: ''Social Security is the soft underbelly of the welfare state.''

Social Security is a program that was signed into law by Franklin Delano Roosevelt in 1930's. It is an insurance program. Money is taken from workers' paychecks in the form of something called FICA taxes. The ''I'' in FICA is insurance, not investment. Social Security is an insurance program. It has lifted tens of millions of elderly people out of poverty in this country. It has been amazingly successful. It is not in crisis. The President did not use that word—''crisis''—today, but he has used it the past, and others also have. It is not in crisis.

We have a responsibility with respect to the Social Security system to make some adjustments as we go along. According to the Congressional Budget Office, the Social Security system will be fully solvent until the year 2052. In the period beyond 2052, if no changes are made, Social Security would be able to pay about 80 percent of what we now pay in benefits. In fact, people are living longer, healthier, better lives as a result of Social Security. Yes, it is successful. People are living longer and healthier lives. We can and will and should make some adjustments in Social Security, but major surgery is not needed. I do not support privatized accounts in the Social Security system.

With respect to retirement security, we have two things. Social Security is the foundation. That is the basic retirement insurance. It is the one without risk and that will be there no matter what. Above that, we have retirement investments, 401(k)s, IRAs, and other private pension programs. I support those as well. I have supported aggressive incentives for the American people to invest in the stock market, in 401(k)s and IRAs and other retirement accounts. That is different than Social Security, the basic foundation of retirement security. The President suggests we should begin taking apart

the foundation. I do not support that. I do not agree with it. I say let us build on the first, second, and third floor of this structure, but let us keep the foundation intact.

Social Security, the social insurance program you pay into during your working life and you can expect to get when you retire, has made life better for tens of millions of retired elderly Americans. We ought not take it apart.

The President proposes this: He says let us borrow $1 trillion to $3 trillion and invest that borrowing in the stock market and then have faith that somehow that will produce substantial returns and at the same time reduce benefits in the Social Security program. He suggests that it will all come out just fine. Well, it will not come out just fine.

I point out that the President also told us 4 years ago that we were going to have budget surpluses as far as the eye. It didn't turn out that way. We went from the largest budget surpluses to the largest budget deficits in history. There is not exactly a substantial amount of evidence that the economic estimates in the future from this administration will be on the mark. In fact, just the opposite is true.

Our obligation is to understand the basics of retirement security. My grandmother, as I have told you before, said you don't borrow for retirement, you save for retirement. That is why this notion of borrowing $1 trillion to $3 trillion to stick in the stock market begins with a premise that doesn't make any sense.

Incidentally, one other thing: Third-grade math will tell you there is no connection here. If, in fact, those who want to privatize a portion of Social Security allege that Social Security is in trouble because the actuaries estimate average economic growth at only 1.8 percent per year, then they cannot on the other hand allege that if there are private accounts you are going to get a 7-percent return. An economy growing at 1.8 percent a year on average cannot produce the corporate profits that will rise and increase the stock market to produce 7-percent returns on investment over the long term. It doesn't work. You have inconsistent arguments for a policy that, in my judgment, is not the right policy for our country.

I welcome the debate. I don't begrudge anyone for taking a position that is dramatically different from mine. I just believe that those who believe we should privatize a portion of Social Security system are just plain wrong.

I grew up in a town of 300 people. Everybody knew everybody. I knew everyone who lived in that town. I knew the people who retired in that town and had nothing but their Social Security checks. I wasn't alive at a time when those who retired and had nothing didn't have a Social Security check, but I know that at that point in time half of those who became elderly in this country lived in poverty. Some 50 percent of the American elderly lived in poverty. Growing up in my small hometown, I knew everybody. I understood who benefitted so substantially from that monthly Social Security check and who would have lived in poverty without it. This is not about statistics; it is about real people. Those are the people who built this country and created this wonderful life which we inherited. People say we inherited this wonderful life from those who went before us and we owe it to our children. The question is, How will we deal with it? How will we treat it? Will we be responsible and make the right choices?

Those who came before us built something that is unique on this globe. We share this Earth that circles the Sun with 6 billion neighbors. Through the blessings of God, we happened to be born right here and are living right now. A lot of people on this Earth can say that. There is no place else like this. There is no one on this Earth who has what we have. It has been given to us by people who worked hard and who understood that part of what we have created in this country is to help lift tens of millions of elderly people out of poverty through something called Social Security. We ought to be here to expand it, to protect it, to nurture it, and to make sure it is available for 100 years—not take it apart. We are going to have a real debate about that.

Once again, I am not going to be engaged in name calling or be pejorative about those who have different opinions. There is room for a lot of different opinions. I feel strongly about this, and I welcome this debate. This is about values and what our country values. We will have a hearing on this subject on Friday. I invite everyone here who might wish to attend to be part of it.

NOMINATION OF SAMUEL BODMAN

Mr. DORGAN. Mr. President, I wish to make a brief statement about the person who is destined to become the new Secretary of Energy, someone for whom I voted in the Energy Committee this morning and someone I am very pleased to support and think brings considerable skill to the position of Secretary of Energy. He has not yet been confirmed by the full Senate, but he was approved unanimously by the Energy Committee this morning.

I commend President Bush for his selection. We have had some controversial nominees, but the selection of Dr. Bodman is the selection of someone whose capabilities, skills, and experience I believe lend themselves very well to the demand and the duties of Secretary of Energy. At this time, when we have these compelling energy issues, the President has made a good choice.

Mr. Bodman is a person of considerable skill and talent who I am going to be proud to support, and who I voted for in the Energy Committee this morning.

When I talk about trade, as I did yesterday, one of the significant issues of trade and economic opportunity in the future for this country is the issue of oil and energy. We are now importing nearly 60 percent of our oil. Everyone talks about independence and trying to be free from the grip of those who live in troubled parts of the world. Yet we allow these countries to hold us hostage to the supply that comes from their oil pipeline.

Every 25 years we grow concerned and start worrying about energy. We all put on our suit and start debating energy. In the end it is a bunch of people in dark suits that huff and puff and do nothing. And every 25 years we develop a ''new'' strategy that is exactly the same, dig and drill.

This strategy is what I like to call a yesterday forever policy. Yes, we should dig. And yes, we should drill. But if this is all we have for an energy policy, it is yesterday forever, and 25 years from now we will be back here talking about it again—perhaps a different bunch of Senators—but we will talk about the same thing.

The question is, Can we do something different? I have often told my colleagues that my first automobile when I was in school was a 1924 Model T Ford that I restored. I bought it for $25. I lovingly restored it over 2 years. It was not much of a car. You could not date in it and it was not much of a car for someone in high school. The thing about it is that you put gasoline in a 1924 Ford exactly the same way you put gasoline in a 2005 Ford. You drive up to a pump and stick a hose in the tank and start pumping. Nothing has changed. Everything in our lives has changed, but nothing has changed with respect to the way we put gasoline through a carburetor. This country is so overwhelmingly dependent on oil from troubled parts of the world that if we do not get vocal and do something significant, shame on us.

In 2003, the President called for developing hydrogen fuel cells. I said at the time, I welcomed that and thought it was a terrific idea, although it was more timid than what I proposed. I proposed a $6.5 billion, 10-year Apollo-type program that would move us to a position where we are no longer putting gasoline through carburetors and depending on foreign oil. And I still believe we should move to a hydrogen fuel cell future.

The fact is, there are enormous benefits if we create a hydrogen fuel cell program. First, hydrogen is ubiquitous. It is everywhere. I understand there are concerns regarding production, storage, distribution, and infrastructure. I understand that, but these concerns are not insurmountable and hydrogen is everywhere.

When you drive a hydrogen fuel cell vehicle, what comes out of the tailpipe? Water vapor. It is a wonderful thing for the environment to drive a

vehicle that puts water vapor out the tailpipe.

If we can decide as a country that our policy should be that our children or their children no longer drive vehicles with an internal combustion engine that requires us to get oil from Saudi Arabia, Kuwait, Iraq, or Venezuela, we will have done something very significant for the defense of this country.

This is about national security. We cannot be timid. And we cannot take baby steps towards an energy policy.

When we develop an energy bill—and I am on the Senate Energy Committee and I want to be part of developing that bill; I voted for the last one in the Senate; it was very controversial but I voted for it—it needs to be a bill that includes four pieces.

First, we have to incentivize additional production. Yes, it is digging and drilling, but if that is the only title, it is over. We do not accomplish much at all. Second, we need much more conservation. We waste so much more energy than we should. It is incredible how much energy we waste. We need conservation. Production, conservation. Third, we need efficiency. Everything we do, from turning on the bathroom light in the morning to using the electric shaver we plug in, can be so much more efficient and could save a substantial amount of energy. Fourth, we need renewable forms of energy. Yes, that is wind energy, solar, biodiesel, and ethanol.

Collectively, we need to create a significant national program, an Apollo-like program, where our Nation exerts its will and says: Here is where we are headed and here is how we will get there. It has to be a collective national will for us to decide we will escape the excessive dependence we have on Middle East oil. That is the only way we will achieve this goal.

I know it is longer term. But, if we do not take the first step, we can never get there. When we write a new energy proposal, I will again—and I have visited with Dr. Bodman about this—I will work with my colleagues and propose a very aggressive Apollo-type or Manhattan-type program that says, let's head this country in a new direction with a fresh choice, a different choice that makes us less dependent on the oil that comes from the ground in the Middle East.

We have no choice but to consider an energy bill a priority, a new energy policy a priority. We need to get it right. There are enough ideas to go around. I don't think any one party or any one philosophy has a lock on good suggestions or ideas with respect to a new energy bill. I do believe this, those who cling to the past and those who believe digging and drilling represents America's energy future do no service to our kids and grandkids.

As we grapple with this issue, and with the help and leadership of Dr. Bodman at the Department of Energy when he is confirmed next week, my hope is we can do something significant and at the end of our careers we can say we produced a significant new and interesting energy policy that takes this country well beyond the dependence that now holds us hostage.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona.

ATTORNEY GENERAL JOHN ASHCROFT

Mr. KYL. Mr. President, this morning, on a party-line vote, the Judiciary Committee agreed to send the nomination for the U.S. Attorney General of Judge Alberto Gonzales to the Senate floor. It is the leader's intention, as I understand it, to bring that nomination to the floor next week. So it appears to me relatively obvious that the United States of America will have a new Attorney General within the next couple of weeks.

I did not want the opportunity to pass to talk a little bit about the current Attorney General, a person for whom I have absolute respect and express appreciation for his service, not only for the State of Missouri when he represented that State as Governor and later as a Senator but for all of America during his service in the last 4 years as Attorney General of the United States.

I think sometimes people have overlooked the record of this Attorney General. I wanted to take a moment this evening to talk about some of the accomplishments of the Bush administration, and specifically the Justice Department under the leadership of Attorney General John Ashcroft. But first I want to say a couple of personal words about John Ashcroft.

When his confirmation hearing was held 4 years ago, there was opposition to him because he was deemed to be a conservative. His views were deemed to be too firmly held. Some people called him rigid in his ideology. Some people thought he was too faithful to his religion. No one questioned his intelligence or his integrity or his experience.

He is a graduate of one of the finest law schools in the country, the University of Chicago. He clearly had the public service, as a Governor of the State and as a U.S. Senator. Very few attorneys general had the same kind of experience he had.

But throughout his tenure, I think he has been criticized less for what he has accomplished than for the kind of person he is. It ought to be the other way around. People should look at the kind of leadership John Ashcroft has provided the Justice Department and be thankful that we had such a firm, intelligent, upright, faithful, and strong Attorney General. These years have called for strength which we could not have anticipated when John Ashcroft was confirmed just 4 years ago. But because just a few months later this country was brutally attacked in September of 2001, all of our public servants had to begin to operate their departments in a way they had never operated them before.

The Justice Department was no different. In fact, the Justice Department was on the front line of our defense of the homeland. There was no Homeland Security Department at that time. Immediately, the Justice Department had to begin changing the way it did business. The FBI, under the jurisdiction of the Justice Department, had major changes. Thankfully, under the leadership of John Ashcroft and now Bob Mueller, the Director of the FBI, things have begun to change, but it has not been easy. Without the strong and firm and steady leadership of John Ashcroft, it would likely not have happened.

The first obligation, therefore, of the Attorney General was and is the protection of Americans, preventing another terrorist attack, and ensuring that we maintain the proper balance between the protection of our own civil rights and our security from terrorist attack. During the period of time John Ashcroft has served, we have shut down numerous terrorist operations and cells across America. In fact, I am informed the Justice Department has brought criminal charges against 364 individuals and obtained convictions against 193 of them. Over $2 million in funds has been frozen.

I know, because I have talked to Attorney General Ashcroft and foreign leaders, he has been able to forge a relationship with his counterparts in other countries. For example, not to be exclusive, but our European allies helped us go after terrorist cells in countries around the world. Largely because of his success in that, we have been able to integrate our law enforcement activities with other countries. Even though people may be concerned about the support that some of our allies have failed to give us in operations such as those in Iraq, I can tell you the cooperation in law enforcement and going after terrorists and terrorist cells has been very good. That is one of the good news stories in the war on terror, and John Ashcroft had a lot to do with that.

With regard to the first obligation that the Attorney General has to the American people, I can't think of a better person to have in place after 9/11 than John Ashcroft. His Department has done a terrific job.

One of the areas that is of most concern to me is violent crime. For years, Senator FEINSTEIN and I labored to secure passage of a constitutional amendment to protect the victims of

violent crime. No one was more supportive of that effort than Attorney General John Ashcroft. In fact, President Bush came to the Justice Department and, with Attorney General Ashcroft and John Gillis, who heads the Department of Justice office in charge of supporting victims of crime, they made very strong and passionate statements in support of our amendment to protect crime victims.

Eventually we were able, this year, to get passed not a constitutional amendment but a Federal law that has been signed into law to protect the rights of people in the Federal court system who were victims of crime, with significant incentives for the same protections to exist in the State courts. John Ashcroft was very supportive of those efforts. I express my great appreciation to him for that.

But he has not only worked to help the victims of crime, he has helped to reduce crime itself. There are some interesting statistics here from the Bureau of Justice Statistics. The rate of violent crime is at a historic 30-year low. In the past 3 years, the overall rate of violent crime has declined 27 percent from the previous 3-year period. Over the past 3 years, there has been a double-digit reduction in the rate of rape and sexual assault, a 31-percent reduction; robbery, 31 percent; assault, 26-percent reduction. Obviously, these are not just statistics, these are real people whom we have ensured are not victimized who otherwise might have been victimized.

Mr. President, 1.7 million fewer citizens in America have experienced the pain of violent crime in this period between 2001 and 2003. That is not all attributable to the work of the Department of Justice or Attorney General Ashcroft, but a lot of it is. It has been overlooked, and I think he deserves credit for that.

Gun crime is something else he pledged to work on as Attorney General, and he kept his pledge. The Justice Department has increased Federal gun crime prosecutions by 68 percent over the past 3 years. In the fiscal year 2003, more than 13,000 offenders were charged, which is the highest figure for any single year. More than 9,500 individuals were convicted, which is the largest number ever convicted in the Federal system in a single year. This has been a priority. As a result, there have been fewer gun crimes committed.

On illegal drugs, something we all are concerned about, working with John Walters, the so-called drug czar, the Drug Enforcement Agency, the Department of Justice, and Attorney General Ashcroft have been very committed to going after all of the various aspects of the illegal use of drugs in the United States as well as their importation into the country. There have been a variety of operations, but just to cite an overall statistic, in the past 2 years, 15 major drug-trafficking organizations have been dismantled or disrupted. The statistics on all of the major drugs, from marijuana to the hallucinogens to Ecstasy, LSD, show the use of drugs is falling. Part of that will be the result of the significant efforts of the Department of Justice.

We were shocked to see corporate fraud raise its ugly head in this country a couple of years ago, and the Department of Justice went after that with a vengeance. The corporate scandals that had festered for some time were finally brought to light after 2001. As a result of the work of the Corporate Fraud Task Force that the President created, with tough investigation by our prosecutors, the Department of Justice brought more than 900 violators being charged in more than 400 cases. Over 500 individuals have been convicted or pled guilty since that time, including top executives at companies like WorldCom, Enron, Mclone, and others.

Why is this important? America has to lead the world in terms of respect for the rule of law and transparency and integrity. This is part of what we believe to be the fundamentals of free government. It is important for the administration and especially the Department of Justice to show that it is committed to ensure that this transparency and integrity remains as a hallmark of our economic system. Therefore, the Corporate Fraud Task Force in its work was critical to achieving that goal.

In the other areas for which the Department of Justice has responsibility, from civil rights to civil fraud to environmental enforcement, in each of these areas there have been significant achievements. One statistic: In the area of civil rights, in the past 3 years, 439 people have been charged with criminal civil rights violations, which is more than during the preceding 3 years. Civil fraud recoveries doubled for the past 3 years.

By the way, the number is pretty astonishing—$5 billion.

In environmental enforcement, there have been a variety of actions. The Department of Justice obtained the largest civil penalty in history against a single company for violation of an environmental statute.

There is so much more one could say about the Department of Justice under John Ashcroft's leadership. The point I want to simply make this evening as we are preparing to begin a new administration—a second Bush administration with new leadership in the Department of Justice—is I think we should reflect a little bit on the achievements of this past 4 years and on the individual who helped to achieve these results.

As a former colleague of all of us in the Senate, I know we wished John Ashcroft well when he took his oath of office. Although not all of us have agreed with every action of the Department of Justice since then, I think we have to agree that John Ashcroft's integrity and commitment were hallmarks of his leadership of the Department of Justice. I for one appreciate the personal commitment that he made. Throughout his term, I spent time with John and his family. I know how hard he worked in his job. America has had no more faithful servant. The President has had no more faithful servant in the execution of the policies of the administration than Attorney General John Ashcroft. He put his heart and soul into the job. He committed 4 years of his life to continuing to serve the people of this country.

I think for that, and for the great success that his Department achieved, we owe him a debt of gratitude. As we begin this next administration, as we confirm people to serve in the next administration, I hope we will also pause to thank those who have served in the first Bush administration—all of the American people—and say our hat is off to them, and to say Godspeed, we wish you the very best in the future. Take a little time off so you can reflect a little bit not only on what you did but on what you will need to do now to spend time with family and friends and enjoy the thanks that we are now sharing.

I know my colleagues join me in wishing Attorney General Ashcroft well. And perhaps some will have more to say about his service in the past, but I didn't want this opportunity to pass, because he has been truly one of the great public servants to serve this country. I will personally miss him in that position, and I personally wish him well.

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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. FEINGOLD. Mr. President, today, as I did in the Foreign Relations Committee, I cast my vote in favor of the confirmation of Dr. Rice to be Secretary of State. I did so not because I endorse Dr. Rice's views but because, barring serious concerns about a nominee's qualifications or serious ethical lapses, the President has the right to appoint Cabinet officers who share his ideology and his perspective. In keeping with Senate practices and precedents, my inclination is to give the President—any President—substantial deference in his Cabinet choices. I do not agree with many of the President's foreign policy choices. But as President, he generally has a right to a Cabinet that shares his perspective and agenda.

However, I want to be clear that I was troubled by some of Dr. Rice's statements in the hearing. Our most senior diplomat, our emissary to the entire world, should be able to represent our core values. Dr. Rice's failure, and the failure of the administration, to categorically reject tactics

that the average American would acknowledge to be torture is more than disappointing. It is dangerous, and it is shameful.

I also want to restate my view that the President's foreign policy over the last 4 years has been, on many fronts, misguided and self-defeating. I have discussed these issues in much greater detail on the Senate floor and in the Foreign Relations Committee. I am troubled by the damage done to our image around the world, I am concerned by our loss of focus in fighting terrorism, I am angry about the use of shifting justifications and faulty information to sell the war in Iraq, I am angry about the failure to plan for the fact that overthrowing a regime leads to disorder and disorder leads to looting, I am angry about the official insistence on grossly underestimating the bill that would be handed to the American taxpayer and then declining to budget for this massive expense once its parameters became more clear, I am angry about the mismanagement of efforts to put a competent Iraqi security force in place, I am angry about the woefully slow pace of reconstruction, and I am angry about this administration's failure to ensure that our troops were adequately equipped for the circumstances in which they found themselves. Many people in this country and in this Congress are troubled not only by the mistakes, but by the fact that there appears to be no real accountability for these failures.

At one point in the course of the hearing, Dr. Rice expressed some indignation regarding questions or remarks that she felt impugned her credibility. Her credibility is a legitimate question. Dr. Rice made sweeping, public characterizations about aluminum tubes sought by Iraq before the war began that were, quite plainly, misleading. She permitted a reference to Iraq seeking uranium from Africa, a reference that she knew the intelligence did not support, to be included in a major presidential address. She has a credibility problem, not just among skeptics in this country, but around the world. Once confirmed, Dr. Rice will be accountable to Congress in a way that she was not as the President's National Security Advisor. I hope that Dr. Rice fully understands her obligations to tell the duly elected representatives of the American people the whole truth.

President Bush, like any President, is entitled to a Cabinet that reflects his views. But I will continue to oppose every bad policy, to question every baseless assertion, and to advocate for a wiser course that will make our country more secure. The stakes for the current and future generations of Americans are far too high to do anything else.

Ms. CANTWELL. Mr. President, I want to detail for the Senate the reasons why I voted to support the nomination of Condoleeza Rice to be our Nation's next Secretary of State. Her diverse professional background as a Professor at Stanford University specializing in Russian affairs, her time as President Bush's National Security Advisor, and her demonstrated understanding of world affairs and diplomacy qualify her to run the Department of State.

My support for Dr. Rice does not come without reservations about the direction this administration has taken with regard to foreign policy. We confront an enormous responsibility with respect to world affairs. The individual charged with the running of the State Department will set the direction for our country's policies around the world. This person will have the power to decide whether to nurture and develop, or halt our Nation's great diplomatic efforts.

I hope Dr. Rice works to promote democracy throughout the world, not just by employing our ample military force, but that we seek to develop democracy organically, where it has not taken hold. Democracies will be more receptive to our products, ideas and people, and our Nation should approach its foreign policy decisions with these long-term goals in mind. My State of Washington is heavily reliant on international trade, and we also create and circulate information in this age of high technology, which should be a principal part of our foreign policy strategy.

The Senate does not, by confirming Dr. Rice, place the responsibility for this country's diplomacy in the hands of a single individual. I do not believe that the American people are ready to ignore the voices of our humanitarian community who remind us how fragile and vulnerable our international relationship can be. I am hopeful that these voices will be heard by Dr. Rice. I am placing my trust in her that she will embrace her duty to take into account the future and foreseeable consequences of her actions, and that she will be guided by the knowledge that this Senator will raise those consequences at all appropriate occasions.

RULES OF PROCEDURE—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the rules of the Committee on Environment and Public Works be printed in the RECORD.

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

JURISDICTION

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(C) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to

televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

STANDING RULES OF THE SENATE

RULE XVII

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such

motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and (2) shall not apply to

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

* * * * *

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

RULES OF PROCEDURE—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the rules adopted today by the Committee on Agriculture, Nutrition, and Forestry be printed in the RECORD.

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

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and (2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

HONORING OUR ARMED FORCES

SERGEANT KYLE W. CHILDRESS

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Terre Haute. SGT Kyle W. Childress, 29 years old, died on January 21 when he was attacked by enemy forces using small arms fire in Ad Duluiyah. With his entire life before him, Kyle risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Terre Haute South Vigo High School in 1994, Kyle followed in his father's footsteps by joining the Army. According to family and friends, Kyle was a calm and easy-going young man whose decision to join one of the most challenging divisions of the Armed Forces was a surprise. Nevertheless, his mother told the Terre Haute Tribune Star that her son ''was proud'' of what he signed up to do.

Kyle was the 44th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to A Troop, 1st Squadron, 4th Cavalry Regiment, 1st Infantry Division, Schweinfurt, Germany. This brave young soldier leaves behind his mother, Nancy Knight; his father, Keith Childress; his sister, Gretta; and his brother, Jason.

Today, I join Kyle's family, his friends and the entire Terre Haute community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kyle, a memory that will burn brightly during these continuing days of conflict and grief.

Kyle was known for his dedication to family and his love of country. His brother Jason told the Terre Haute Tribune Star that Kyle had been more than a brother to him, that he was his best friend. Jason recalled that Kyle had been his role model, ''He's the one who pretty much made me the person I am today.'' Today and always, Kyle

will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kyle's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Kyle Childress in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kyle.

JOHNNY CARSON

Mr. NELSON of Nebraska. Mr. President, thank you for the opportunity to speak today about a fellow Nebraskan who not only gave back to his State, but gave much more in ways of laughter to all of America. I am speaking of Johnny Carson, beloved by his family and friends, cherished by fans, and respected by his fellow comedians. Johnny Carson was a man whose comedic talent always looked effortless, yet set the highest of standards for his performances. Mr. Carson passed away at the age of 79.

Mr. Carson took over the ''Tonight Show'' in 1962, and preferring to retire at the top of his game, voluntarily stepped down in 1992. For 30 years, Johnny Carson tucked Americans into their beds all the while making them laugh before they shut their eyes to sleep. Between 10 to 15 million people watched Johnny deliver his hilarious monologue each night.

Mr. Carson should be honored not only for all the laughter he brought to so many American homes, but also all that he brought to his hometown, Norfolk, NE. Johnny Carson was and will remain Nebraska's favorite native son. He always remembered his roots, and often made visits home to ''give back'' to his humble, rural community which he loved. There is no question that all of Norfolk loved him back. He was a philanthropist, a father, a son and to most, a cherished nightly friend.

Mr. Carson shielded his political views as carefully as he did his private life, insisting that the only message of his show was entertainment. Johnny Carson is a man that could bring people together, regardless of political or religious affiliation, regardless of race or gender; he was a man of character. He will be remembered and recognized today and always as a man who gave his all and never forgot the few.

THE EXONERATED

Mr. LEAHY. Mr. President, I normally do not do movie reviews, but for this Thursday's premiere of ''The Exonerated'' on CourtTV, I feel compelled to make an exception. ''The Exonerated'' tells the harrowing true stories of six innocent people who were convicted and sentenced to death.

Since February 2000, I have worked to prevent more innocents from meeting the same fate, and last year the Innocence Protection Act was finally passed and signed into law. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results.

The film of ''The Exonerated'' was adapted from a play of the same title by Jessica Blank and Erik Jensen, which was performed last year at the Kennedy Center. Those who were unable to see the play will have the chance to watch the movie on CourtTV this Thursday, January 27, at 9 p.m.

Since 1973, some 117 innocent people have been released from death row with evidence of their innocence. Six of these stories are told in ''The Exonerated.'' While the Innocence Protection Act passed with overwhelming bipartisan support in both the House and Senate, the task before us remains getting the new law funded. Watching these true-life accounts will help explain why funding the Innocence Protection Act should be a high priority that Congress and the administration must not ignore.

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT RIGHTS ACT OF 2005 (VOTER ACT)

Mr. DODD. Mr. President, as we approach the historic elections in Iraq this week, it is important that we pause and take stock of our own elections process here in the United States. There is already much we can learn from the Iraqi experiment in democracy that can broaden and strengthen the participation of our own citizens in their democracy here in America. And in light of the continuing barriers that American citizens found at polling places across this Nation last November, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

For that reason, on Monday, I was pleased to introduce S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005—the VOTER Act. I am grateful to the Democratic Leader, HARRY REID, for including this comprehensive initiative in his leadership package of Democratic legislative priorities for the 109th Congress. There is nothing more fundamental to the vitality and endurance of a democracy of the people, by people, and for the people, than the people's right to vote. In the words of Thomas Paine:

> The right of voting for representatives is the primary right by which other rights are protected.

With regard to the Iraqi elections, President Bush has made his goal for this initial act of democracy clear: he wants as full participation in the vote as possible. In his words, he wants ''everybody to vote.'' While that is a laudable goal for a fledgling democracy, it should be the standard for a democracy that has existed for nearly two and one-quarter centuries. Regrettably, we have not yet reached that standard. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, still, only 60.7 percent of the eligible Americans voted.

While there are many reasons why ''everybody'' does not vote in America, we learned from the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, and lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, Congress enacted overwhelmingly bipartisan legislation—the Help America Vote Act of 2002, or HAVA. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of this act are to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators, including my distinguished colleagues, Senator MCCONNELL and Senator BOND, and others. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.

While many of the most important reforms in HAVA do not have to be implemented by the States until the 2006 Federal elections, the 2004 presidential election raised both continuing and new concerns. And the most important of these concerns are either not addressed by HAVA at all, or in some few instances, may actually be the result of HAVA. The fact that barely over one-half of the eligible voting age population voted in 2004 underscores the reality that not everybody votes in America. We must do better, and we can.

At a time when our Nation and its leaders are building a new democracy in Iraq, we must not forget that building democracy begins at home. Just as eligible Iraqis, in this first post-Saddam election, are able to fully participate in democracy by voting from across the globe, so should eligible American voters be able to fully participate in democracy by voting from across the globe. Just as Iraqi voters will be able to vote prior to election day at early voting sites, so should American voters be able to participate in early voting. If Iraqis can register to vote on election day, then American voters should be able to register to vote on election day.

Building democracy must begin at home. The legislation I introduced this week will provide American voters with many of the same rights and opportunities to participate in democracy that Iraqi voters have been given with the support of the blood, sweat and tears of American soldiers—and the resources of American taxpayers.

The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, provides every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections. This new national absentee ballot extends to all citizens the same right to a Federal absentee ballot that overseas and active military voters currently have. Beginning with Federal elections in 2007, every State shall provide early voting opportunities for a minimum of 15 days prior to election day, including Saturdays. Beginning in 2007, any otherwise eligible voter must be allowed to register to vote on election day and have that vote counted in Federal elections.

Additionally, the VOTER Act addresses many of the recurring, and new, barriers to voting that voters faced at the polls last November. It requires that a State count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

HAVA established a uniform national right for every voter in a Federal election to receive and cast a provisional ballot. This new right was intended to ensure that no otherwise eligible voter could be turned away from the polls because of an administrative error, or other challenge. But in 2004, we saw this right eroded by States and applied in non-uniform ways. Some States, such as Ohio, initially interpreted HAVA to require that a voter be in their correct precinct in order to cast a Federal provisional ballot. Other States, such as Iowa, interpreted the same HAVA language to allow challenged voters to cast a provisional ballot in their county of residence. Whether or not the provisional ballot was ultimately counted turned solely on State law. The VOTER Act ensures that eligible voters who cast a provisional ballot for Federal office will have that ballot counted in a uniform manner.

The VOTER Act requires that each State provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission—EAC.

On election day there was a recurring problem across the country of long lines and disenfranchised voters because of too few voting systems or ballots at polling places and too few poll workers to assist voters. This requirement becomes effective for Federal elections on or after January 1, 2007.

To ensure that all voters have an equal opportunity to independently verify their ballot before it is cast and counted, the VOTER Act requires that by 2009, all States provide voters a voter-verified ballot with a choice of at least four formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired.

HAVA already requires that all voting systems provide the voter an opportunity to verify their ballot before it is cast and counted. HAVA also requires that all voting systems produce a permanent paper record for audit purposes. However, HAVA does not spell out how that verification is to be achieved to ensure security and independence of the voter's choice.

Some have called on Congress to require a voter-verified paper ballot. Such is inherently discriminatory against the disabled, particularly the blind and visually-impaired. HAVA already requires that all voters, regardless of disability, be able to verify their ballots. With current and developing technology, it is simply unacceptable, and unnecessary, to discriminate against any voter by requiring that such verification be in paper form.

For good reason, many in the disabled community believe that additional election reform legislation will deter State and local administrators from complying with the existing deadlines under HAVA. While they oppose any such efforts, to the extent that legislation is proposed regarding the voter verified ballot, they support this approach which assures full accessibility for all voters.

While I had hoped that the EAC would have addressed this issue in the voluntary voting system standards required under HAVA to be issued last year, those standards have yet to be issued. I encourage the EAC to incorporate guidance for fully accessible voter verified ballots in the section 301 Voting System Standards to be issued this year.

The VOTER Act also addresses the continuing problem of minority disenfranchisement through last-minute purges of voter registration lists by requiring States to provide public notice of any such purges not later than 45 days before a Federal election.

To expedite the studies called for under HAVA for establishing election day as a Federal holiday, the VOTER Act requires the EAC to complete its study and issue recommendations within 6 months of enactment and earmarks funds within the EAC budget solely for this purpose.

The VOTER Act includes amendments to HAVA that build on the existing voting system requirements to ensure that all voting systems, including punch cards and central count optical scan machines, provide voters with actual notice of over-votes. Also, beginning in 2009, States must allow for voter registration through the Internet.

The VOTER Act also includes provisions to ensure both the security and uniform treatment of voter registration applications by requiring that all voters sign an affidavit attesting to both their citizenship and age, in lieu of the HAVA requirements for a check-off box alone, effective in 2007.

HAVA requires that voter registration forms include questions regarding citizenship and age with check-off boxes that applicants use to indicate whether or not they meet eligibility requirements. States are further required to contact any applicant who does not fill in the boxes in order to complete the form. However, in the 2004 elections, States implemented this requirement in widely varying ways, resulting in non-uniform treatment of voters in Federal elections.

In some cases, States refused to process the form and failed to contact the voter. In other States, voters who had submitted incomplete forms were asked to complete those forms at the polling place. While the twin purposes of HAVA were to make it easier to vote and harder to defraud the system, as implemented this requirement achieves neither purpose.

This requirement further resulted in disenfranchising voters who failed to check a box but nonetheless signed an affidavit, under penalty of perjury, attesting to both their citizenship and age. With the implementation of statewide voter registration lists, the check-off box requirement is unnecessary and burdensome to both voters and election administrators.

To ensure that the implementation of the voter identification requirements in HAVA do not make it harder to vote, the VOTER Act expands the forms of identification that can be used to establish identity for first-time voters who submit their voter registration by mail to include an affidavit executed by the voter attesting to his or her identity, generally subject to penalties for perjury under State law.

The VOTER Act also responds to concerns first raised in the 2000 Presidential election in Florida, and echoed again in the 2004 election, regarding the appearance of impartiality by State election officials who were otherwise active in Federal campaigns. The bill imposes new accountability and transparency requirements on States, beginning in 2007, including a public notice requirement of any changes in State law affecting the administration of elections, such as changes in polling places and actions denying access to polling place observers.

To ensure the independence of the Election Assistance Commission, and the timely issuance of guidance and standards, the bill provides the agency with independent budget authority and the authority to issue mandatory standards to implement the new requirements.

Finally, in recognition of the inherent role of the States in the administration of Federal elections, the VOTER Act provides additional Federal funds for the State requirement grants under HAVA to implement the new requirements.

While Congress accomplished much with the passage of the Help America Vote Act following the debacle of the 2000 Presidential election, 4 years later in the 2004 election, voters faced many of the same barriers to voting that HAVA promised to remove. As Iraqis go to the polls this week, let us assure our own citizens that we have done all we can to ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in Federal elections.

I ask unanimous consent that a brief section-by-section analysis be printed in the RECORD following my remarks.

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

S. 17, VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT ACT OF 2005

SECTION-BY-SECTION ANALYSIS

Sec. 1.—Title; Table of Contents.

Sec. 2.—Findings and Purposes.

SEC. 3.—NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

Sec. 3 creates a National Federal Write-in Absentee Ballot (NFWAB) for Federal office to be used in a Federal election by any otherwise eligible voter.

Sec. 3 requires States to accept the NFWAB cast by any person eligible to vote in a Federal election, provided the ballot has been postmarked or signed by the voter before the close of the polls on election day.

Sec. 3 requires the Election Assistance Commission to prescribe a national Federal write-in absentee ballot and prescribe standards for distributing the ballot, including distribution through the Internet.

Sec. 4.—Voter Verified Ballots.

Sec. 4 requires that all voting systems purchased after January 1, 2009 and used in Federal elections provide an independent means for each voter to verify the ballot before it is cast and counted.

Sec. 4 allows each voter to choose one means of verification from among the following options—(1) paper; (2) audio; (3) pictorial; or (4) an electronic record accessible for voters with disabilities.

Sec. 5.—Requirements for Counting Provisional Ballots.

Sec. 5 requires that a State shall count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

Sec. 6.—Minimum Required Voting Systems and Poll Workers in Polling Places.

Sec. 6 requires that each state shall provide the minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission.

Sec. 7.—Election Day Registration.

Sec. 7 requires that each State shall provide for election day registration in a Federal election for any otherwise eligible individual, using a form established by the Election Assistance Commission, unless the State does not have a voter registration requirement.

Sec. 8.—Integrity of Voter Registration Lists.

Sec. 8 requires that each State provide public notice at least 45 days before a Federal election of all names removed from the voter registration list.

Sec. 9.—Early Voting.

Sec. 9 requires that each State shall establish an early voting program for a minimum of 15 calendar days before a Federal election that provides a uniform voting period each day, except Sunday, for at least 4 hours.

Sec. 10.—Acceleration of Study on Election Day as a Public Holiday.

Sec. 10 requires the Election Assistance Commission to submit within 6 months of enactment of this Act the report on establishing a public election day holiday and uniform poll closing time, and authorizes $100,000 for fiscal year 2006 for that purpose.

Sec. 11.—Improvements to Voting Systems.

Sec. 11 requires that punch card and central count voting systems conform to the in-person notice of over-votes in Sec. 301 of the Help America Vote Act and to permit a voter to verify and change or correct any errors before the ballot is cast and counted.

Sec. 12.—Voter Registration.

Sec. 12 requires that, by January 1, 2009, the mail registration form be changed to include an affidavit to be signed by the voter attesting to citizenship and age eligibility and requires each State to establish a program to permit voter registration through the Internet.

Sec. 13.—Establishing Voter Identification.

Sec. 13 requires that an individual may meet the identification requirement for voters who register by mail as described in Sec. 303 of the Help America Vote Act by executing a written affidavit attesting to the individual's identity.

Sec. 13 requires the Election Assistance Commission to develop standards for verifying voter identification information required for registration (the driver's license number or last four digits of the social security number), as described in Sec. 303 of the Help America Vote Act.

Sec. 14.—Impartial Administration of Elections.

Sec. 14 requires that each State will issue a public notice of changes in State election law since the most recent election.

Sec. 14 requires that each State will allow uniform, nondiscriminatory access to observe a Federal election at any polling place to party challengers, voting and civil rights organizations, and nonpartisan domestic and international observers.

Sec. 15.—Strengthening the Election Assistance Commission.

Sec. 15 requires the Election Assistance Commission to provide budget estimates and requests to the Congress, the House Administration Committee, and the Senate Rules and Administration Committee when it submits such estimates and requests to the President or Office of Management and Budget; the section provides rule-making authority for the Election Assistance Commission with respect to subtitle C of this Act; the section requires that the Director of the National Institutes of Standards and Technology provide the Commission with technical support.

Sec. 15 authorizes $23 million for the operational costs of the Election Assistance Commission for fiscal year 2006, with $3 million earmarked for the National Institute of Standards and Technology for technical support, and such sums as necessary for the succeeding fiscal years.

Sec. 16.—Authorization of Appropriations.

Sec. 16 authorizes $2 billion for fiscal year 2006 and such sums as necessary thereafter for requirements grants to States under title II of the Help America Vote Act to implement the additional requirements.

Sec. 17.—Effective Date.

Sec. 17 requires that the amendments made by this Act take effect on January 1, 2007, except as provided otherwise to take effect on January 1, 2009.

SERVICE OF THE SECRETARY OF VETERANS' AFFAIRS ANTHONY J. PRINCIPI

Mrs. HUTCHISON. Mr. President, I am pleased to honor Secretary Principi for his diligent and effective tenure as the Secretary of the Department of Veterans' Affairs. Secretary Principi has served our Nation during a historic time, and has done an impressive job with one of the most challenging positions in the government. I am proud to have worked with him.

When I travel around the State of Texas, I am reminded of the work Secretary Principi has done on behalf of veterans. He was always available to discuss the needs of Texas veterans and provided an open dialogue to our communities. I am particularly grateful for the time he spent with me touring VA facilities in Texas to learn what was important to our veterans. Over the years, the Department of Veterans Affairs and the veterans it serves have been severely challenged by the skyrocketing costs of healthcare and the surging demand for services from an aging veteran population. Throughout his time at the Department, Secretary Principi worked to ensure healthcare accessibility was a priority. Across the country, the VA has opened 194 community clinics and 87 percent of the veteran population now lives within 30 minutes of a VA medical facility. Additionally, under Secretary Principi's leadership, the Department reduced the number of veterans waiting more than 6 months for primary care and cut in

half the wait time for an appointment. These important accomplishments have improved the healthcare for our service men and women.

Secretary Principi also understood the importance of further investigating the causes of Gulf War Illness. He kept his promise to attend a meeting in Texas with Dr. Robert Haley, a world renowned researcher on the issue of Gulf War Illness. After meeting with Dr. Haley, Secretary Principi recognized the need for a study on this illness, which ultimately led to the dedication of $60 million over the next 4 years for research. We cannot thank him enough for his leadership and attention to this important issue.

I thank Secretary Principi for his tireless service to the veterans of Texas and throughout the United States. He and his work will not be forgotten by a grateful Nation.

COMMON SENSE REGULATION OF FIFTY CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, the CBS news program ''60 Minutes'' recently aired a segment regarding the dangers that .50 caliber sniper rifles pose to the security of our Nation. In previous Congresses, I have cosponsored legislation to enact common sense regulation of these dangerous weapons. Unfortunately, the Congress has thus far failed to act. I am hopeful that the 109th Congress will address this issue for the safety of all Americans.

The .50 caliber sniper rifle is a favorite weapon of militaries around the world and is also among the most powerful weapons legally available to private individuals in the United States. According to a report released by the Violence Policy Center last year, a .50 caliber sniper rifle is capable of accurately hitting a target over 1,500 yards away, and the ammunition available for the rifle includes armor-piercing, incendiary, and explosive bullets. The report also cites the U.S. Army's manual on urban combat, which states that .50 caliber sniper rifles are designed to attack bulk fuel tanks and other high-value targets from a distance using ''their ability to break through all but the thickest shielding material.''

The previously mentioned ''60 Minutes'' program highlighted various threats that military style .50 caliber sniper rifles pose to civilians. One serious threat reported on the program is the vulnerability of commercial aircraft to terrorists with .50 caliber sniper rifles. This threat was previously addressed in a 1999 report by the minority staff of the House Government Reform Committee, which noted that the thumb-sized bullets fired by .50 caliber rifles can easily punch through aircraft fuselages, fuel tanks, and engines. Police Commissioner Ray Kelly of New York City referred to these potential threats by saying, ''Clearly, with the range that it has, and the impact capability that it has, it would put an airliner or an airplane at risk if it hit that plane.''

So the easy availability of the .50 caliber sniper rifle poses a danger to airline safety, as well as our overall security. Last September, California became the first and so far only State in the country to ban the manufacture, sale, distribution, or importation of .50 caliber sniper rifles. Unfortunately, there are few Federal regulations to protect the rest of the Nation from these dangerous weapons. Buyers need only be 18 years old, rather than the 21 years of age required for handgun purchases. And there is no minimum age requirement for possession of a .50 caliber weapon and no regulation on second hand sales.

In an interview which became part of the ''60 minutes'' report, the inventor and current manufacturer of the .50 caliber sniper rifle, Ronnie Barrett, described his product as ''a high-end adult recreational toy.'' When asked how he came up with the idea for the rifle, Mr. Barrett replied, ''I was just a 26 year-old kid, and didn't know any better.''

Mr. President, we should know better. The time has come to classify these weapons in the same common sense manner that we classify other weapons of war, including machine guns. The 109th Congress should follow California's good example and pass reasonable legislation that changes the way .50 caliber guns are regulated.

GLOBAL TSUNAMI DETECTION SYSTEM.

Mr. AKAKA. Mr. President, I would like to comment today on S. 50, the Tsunami Preparedness Act of 2005, a timely and much-needed bill in the aftermath of the devastating tsunami in the Indian Ocean. The world has learned valuable lessons in the past month about human suffering and loss, as well as generosity and good fortune in the face of impossible odds. We have also learned a great deal about the generation of tsunamis, the need to instrument the ocean, and the need to assist in the development of a warning and civil defense system for vulnerable nations around the world.

I joined my colleagues Senators DAN INOUYE and TED SEVENS, the ranking member and chair, respectively, of the Committee on Commerce, Science, and Transportation, as an original cosponsor of S. 50, the Tsunami Preparedness Act of 2005, which was introduced on Monday, January 24, 2005. The bill would authorize, expand, and improve our domestic tsunami warning system. Equally importantly, it would authorize the Administrator of the National Oceanic and Atmospheric Administration, NOAA, to provide technical assistance and advice to appropriate international entities in developing a global tsunami warning system comprised of regional warning networks, modeled on the Tsunami Warning System of the Pacific. We must share our expertise and experience with other tsunami-prone nations around the world.

My conviction is based on personal experience. In Hawaii, tsunamis have accounted for more lost lives than all other natural disasters. In the 20th century, an estimated 221 people were killed by tsunamis. Most of these deaths occurred on the island of Hawaii during the tsunamis of 1946 and 1960, two of the largest tsunamis to strike in the Pacific. I am hopeful that our experiences in Hawaii and the expertise of NOAA's two National Weather Service Tsunami Warning Centers located in Palmer, AK, and the Pacific Tsunami Warning Center in Ewa Beach, HA, can help other nations around the world prepare for potential undersea earthquakes that result in these tragic disasters.

One of the worst natural disasters in Hawaii's history took place April 1, 1946 when a magnitude 7.1 earthquake in the Aleutian Islands triggered a destructive, Pacific-wide tsunami that killed 159 people: 96 in Hilo, 15 on Kauai, 14 on Maui and nine on Oahu. There was no warning in Hawaii, as the Tsunami Warning System had not been established at that time. The town of Hilo was ''pounded'' by a series of 6 to 7 waves, one after the other. The waterfront and all the buildings facing Hilo Bay were completely destroyed. The tsunami flooded the downtown area of Hilo causing more than $26 million in damages. The photos that the U.S. Army Corps of Engineers took afterwards showed scenes similar to the ones we've seen in the past month in Thailand and Indonesia—everything was leveled and destroyed. The character of downtown Hilo was changed forever. Tragically, we lost a number of young children, students, killed by the tsunami in Laupahoehoe, a small community north and west of Hilo where the waves struck the school and destroyed a hospital. As a result, in 1949 the Pacific Tsunami Warning Center was established, which later became the headquarters of the International Pacific Warning System.

This bill would authorize several programs in NOAA that we have depended on since 1949. It would deploy a greater number of buoys throughout the Pacific and it would expand the research on tsunamis and their detection to ensure a more reliable and better instrumented system for the Pacific, including Alaska, the West Coast of the U.S. and Pacific islands nations who are members of the group. It would expand the domestic system to the Atlantic and Caribbean where tsunamis are infrequent but not impossible.

I would like to close with an appeal to my colleagues to consider the types of aid that the U.S. can provide to Sri Lanka, India, Indonesia, and Thailand. We must not overlook the science and technology of tsunamis and tsunami detection. The detection, warnings, planning, and public education are perhaps the most important types of assistance we can provide, because they are preventive and represent the little that we can do to save lives in dealing

with the forces of nature in the future. They are an investment in the future safety and security of humankind.

This bill, most importantly, would mandate the U.S. to share its expertise and experience in the Pacific with those nations that have suffered such devastating losses from the Indian Ocean tsunami. With the technology we have, no family of nations need suffer in the future from such widespread devastation without warning and public awareness of what tsunamis are, what they can do, and how to react and plan for them. Hawaii and the Pacific has been well-prepared for tsunamis through 20 years of State and federal efforts through the National Tsunami Hazard Mitigation Program, which is a NOAA Federal-State partnership with or Hawaii Civil Defense program. This program has enhanced Hawaii's tsunami mitigation and preparedness programs. Sharing our experience, our successes, and our learning curves is a very important part of assistance in the aftermath of the tsunami.

I urge support for this bill and commend my colleagues on the Commerce Committee, and its staff, for their foresight in addressing this issue and working with the executive branch to review and comment on this bill.

LETTER OF SUPPORT FOR S. CON. RES. 4

Mr. NELSON of Florida. Mr. President, on January 25, I submitted S. Con. Res. 4, and I ask unanimous consent that the letter dated November 19, by Secretary Rumsfeld, be printed in the RECORD in support of this resolution.

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

THE SECRETARY OF DEFENSE,
Washington, DC, November 19, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The Department of Defense takes great pride in its longstanding and rich tradition of support to the Boy Scouts of America. Accordingly, the Department of Defense supports the proposed Concurrent Resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

Sincerely,

DONALD RUMSFELD.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM RANDLE AND CONNIE MARIE HUDGENS

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor William Randle and Connie Marie Hudgens on the occasion of their 70th wedding anniversary. The Hudgens were married on November 10, 1934, in England, AR, and celebrated their Platinum Anniversary on November 10, 2004.

Mr. Hudgens was born in Cornersville, AR, on January 16, 1915. His family moved to England, Arkansas, in 1922 where he met and later married his wife, Connie Marie Saulter.

Mr. Hudgens is a retired farmer and heavy equipment operator. He contributed greatly to Arkansas' highway system with his work on the construction of Interstates 30 and 40.

Mrs. Hudgens retired from a position with Wal-Mart and worked with several other companies in central Arkansas. Her most important and rewarding role, however, was as a wife and mother.

The Hudgens raised two beautiful daughters, Joyce Cates of North Little Rock, AR, and Sandra Evans of Lonoke, AR. Their lives have also been blessed with six grandchildren and six great-grandchildren.

Mr. and Mrs. Hudgens now reside in Lonoke, AR. They are devoted members of the Lonoke Baptist Church, where Mr. Hudgens serves as a Deacon Emeritus.

It is my honor and privilege to join the Hudgens' family and friends in recognizing the very special and momentous occasion of their 70th wedding anniversary. I ask my colleagues to join me in offering Mr. and Mrs. Hudgens best wishes for continued happiness.•

JUDGE WILLIAM AUGUSTUS BOOTLE

• Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to the life and legacy of U.S. District Judge William Augustus Bootle. Judge Bootle passed away yesterday at his home in Macon at the age of 102.

Judge Bootle and I became friends as I began my law practice 36 years ago. His leadership and integrity have had a great impact on my role as a public servant. From our first meeting until now, Judge Bootle and I have maintained a close working relationship and have had many opportunities to interact over the years.

A stalwart of our country's judicial system, Judge Bootle will be remember for his unwavering commitment to doing what's right on behalf of all Americans, having led our country though some of the most difficult decisions in our Nation's history. Georgians will remember him for being fair and judicious in his verdicts and for being the type of judge before which all lawyers like to practice.

He showed an exemplary sort of courage in the fight to desegregate the South and helped resolve many hard fought battles respective to the integration of Georgia's education systems. To this end, Judge Bootle was responsible for the admittance of the first black students in the University of Georgia.

I would like to take this opportunity to quote from a book written by Frederick Allen which is entitled ''Atlanta Rising.'' This book deals with a lot of history which took place in the Atlanta area during the years of the civil rights movement. Two black applicants who were denied admittance to the University of Georgia filed suit in the middle district of Georgia, and quoting from this book, I read as follows:

Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of Georgia officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in six months or a year, but bright and early the next Monday morning.

In the 1960s in Georgia, that took great judicial integrity.

In the 105th Congress, my good friend Senator Paul Coverdell and I successfully led the charge to designate the Federal building and U.S. courthouse in Macon, GA, as the ''William Augustus Bootle Federal Building and United States Courthouse'' in the honor of his steadfast service to the people of Georgia.

The legacy of Judge Bootle will continue to impact countless individuals across our great Nation and I know he will be sorely missed—but honored in high regard by future generations. My wife Julianne and I are proud to have counted Judge Bootle a close friend, and extend our deepest condolences and prayers to his family and loved ones.•

MESSAGES FROM THE HOUSE

At 10:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

H. Con. Res. 20. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

H. Con. Res. 21. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message further announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Joint Economic Committee: Mr. SAXTON of New Jersey.

The message also announced that pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), the Minority Leader appoints the following named individual on the part of the House of Representatives to the Public Interest Declassification Board for an initial 2-year term: Mr. David Skaggs of Colorado.

At 4:39 p.m., a message from the House of Representatives, delivered by

Mr. Hayes, 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. 54. An act to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes.

MEASURES REFERRED

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

H.R. 54. An act to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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–228. A communication from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to competitive sourcing initiatives; to the Committee on Commerce, Science, and Transportation.

EC–229. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Federal Trade Commission Report under the FAIR Act; to the Committee on Commerce, Science, and Transportation.

EC–230. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Regulatory Status of National Transportation Safety Board Recommendations on 15-Passenger Van Safety, Medical Certification for Commercial Driver Licenses and Highway/Railroad Grade Crossing Safety to the Department of Transportation for the year ending December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC–231. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Report on the State Barriers to Adopting and Implementing Programs Using Roadside Communications Systems for Alerts Regarding Recovery of Abducted Children; to the Committee on Commerce, Science, and Transportation.

EC–232. A communication from the Assistant Administrator, Office of Legislative Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, the Fiscal Year 2004 Competitive Sourcing Activities Summary of Completed Competitions, the Fiscal Year 2004 Competitive Sourcing Activities Summary of Announced Competitions, and the Fiscal Year 2003 Competitive Sourcing Activities Summary Savings and Performance Update; to the Committee on Commerce, Science, and Transportation.

EC–233. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of commercial activities under the FAIR Act; to the Committee on Commerce, Science, and Transportation.

EC–234. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Report on Specialized Hauling Vehicle Study; to the Committee on Commerce, Science, and Transportation.

EC–235. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Administrator, Research and Special Programs Administration; to the Committee on Commerce, Science, and Transportation.

EC–236. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Assistant Secretary for Technology Policy, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–237. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination confirmed in the position of Assistant Secretary for Communications and Information, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–238. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information, a vacancy, and the designation of acting officer for the position of Director, National Institute of Standards and Technology, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–239. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Assistant Secretary for Manufacturing and Services, International Trade Administration, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–240. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination confirmed for the position of Under Secretary and Director, United States Patent and Trademark Office, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–241. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of the report of a vacancy in the position of Assistant Secretary for Export Enforcement, Bureau of Industry and Security, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–242. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–243. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Deputy Secretary, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–244. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Advisory Board Member, Saint Lawrence Seaway Development Corporation; to the Committee on Commerce, Science, and Transportation.

EC–245. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Advisory Board Member, Saint Lawrence Seaway Development Corporation; to the Committee on Commerce, Science, and Transportation.

EC–246. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Advisory Board Member, Saint Lawrence Seaway Development Corporation; to the Committee on Commerce, Science, and Transportation.

EC–247. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 2 regulations)'' (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–248. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone: Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, North Carolina'' (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–249. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulation Navigation Area, San Carlos Bay, Florida'' (RIN1625–AA11) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–250. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 2 regulations)'' (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–251. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Shipping and Transportation; Technical, Organizational, and Conforming Amendments'' (RIN1625–ZA03) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–252. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Review and Approval Classification Societies'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–253. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations'' (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–254. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 5 regulations)'' (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–255. A communication from the Chief, Regulations and Administrative Law, United

States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulation (including 3 regulations)'' (RIN1625–AA00) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–256. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone Regulation: Port of Mobile, Mobile Ship Channel, Mobile, Alabama'' (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–257. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulation: Yonkers, New York'' (RIN1625–AA01) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–258. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 6 regulations)'' (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–259. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 3 regulations)'' (RIN1625–AA00) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–260. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Grounds, Buzzards Bay, Massachusetts'' (RIN1625–AA01) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–261. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 3 regulations)'' (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–262. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone, San Diego Bay, California'' (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–263. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 3 regulations)'' (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–264. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FMVSS Nos. 403 and 404, Delay of compliance dates'' (RIN2127–AJ50) received on January 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–265. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Clarifications to the Export Administration Regulations'' (RIN0694–AC24) received on January 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–266. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Bridge Inspection Standards'' (RIN2125–AE86) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–267. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Fuel Economy Credits'' (RIN2127–AG97) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–268. A communication from the Attorney Advisory, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Deferment of Service Obligations of Midshipmen Recipients of Scholarships or Fellowships'' (RIN2133–AB58) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–269. A communication from the Senior Attorney Advisory, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; delay of effective date'' (RIN2137–AC68) received on December 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–270. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License'' (RIN1652–AA17) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–271. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Specific Service and General Service Signing for 24-Hour Pharmacies'' (RIN2125–AF02) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–272. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FMVSS No. 208, Anton's Law'' (RIN2127–AI91) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–273. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Clarify Test Procedures for Brake Fluids'' (RIN2127–AH96) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–274. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Brake Hoses'' (RIN2127–AH79) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation

EC–275. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Protection of Sensitive Security Information; Technical Amendment'' (RIN1652–AA08) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–276. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Hazmat Fee Rule: Fees for Security Threat Assessments for Hazmat Drivers'' (RIN1652–AA33) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–277. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Revise Steller Sea Lion Protection Measures for the Pollock and Pacific Cod Fisheries of the Gulf of Alaska'' (RIN0648–AS41) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–278. A communication from the Chairman, Bureau of Trade Analysis, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Non-Vessel-Operating Common Carrier Service Arrangements'' (Doc. No. 04–12) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–279. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Final Rule to Implement an Interim Measure to Reduce Overfishing by Establishing a Temporary Seasonal Closure on Grammanik Bank off St. Thomas, United States Virgin Islands'' (RIN0648–AS56) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–280. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Encryption Export and Reexport Controls Revisions'' (RIN0694–AD19) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–281. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule—31 Day Scrub'' (RIN3084–0098) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–282. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean'' received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–283. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Interim Rule to Implement 2005 Interim Harvest Specifications for Groundfish in the Bering Seas and Aleutian Islands'' received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–284. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Bluefin Tuna Fisheries; Quota Transfer; Fishery Reopening'' received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–285. A communication from the Attorney Advisor, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Advisory Board Member, received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–286. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Interim Rule to Implement the Days-at-Sea Baseline Allocation Procedure Consistent with Amendment 13 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AS81) received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–287. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closing Inshore Pacific Cod in the central GOA'' received on December 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–288. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11—Adjustments of the Recreational and Commercial Salmon Fisheries from the United States-Canada Border to Cape Falcon, Oregon'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–289. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye Salmon Fisheries; Inseason Orders'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–290. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting closure for the Catcher-processor Sector'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–291. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 12—Adjustment of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–292. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #17—Adjustment of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–293. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #16—Adjustment of the Recreational Salmon Fishery from the United States-Canada Border to Cape Alava, Washington'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–294. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #15—Adjustments of the Commercial Fishery from the United States-Canada Border to Cape Falcon, Oregon'' received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–295. A communication from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials; Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft'' (RIN2137–AE05) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–296. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Final Rule; Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean'' (RIN0648–AS39) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–297. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tune Fisheries; Final Rule; Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean'' (RIN0648–AS39) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–298. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework 16 and Framework 39'' (RIN0648–AR55) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–299. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Require Full retention of Demersal Shelf Rockfish in the Southeast Outside District of the Gulf of Alaska'' received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–300. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Framework 40A to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AS34) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–301. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures'' (RIN0648–AS27) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–302. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Atlantic Highly Migratory Species'' (RIN0648–AQ37); to the Committee on Commerce, Science, and Transportation.

EC–303. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Interim Rule to Implement 2005 Interim Harvest Specifications for Groundfish in the Bering Sea and Aleutian Islands'' received on January 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–304. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Interim Rule to Implement 2005 Interim Harvest Specifications for Groundfish in the Gulf of Alaska'' received on January 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–305. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Trade Restrictive Measures'' (RIN0648–AR10) received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–306. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder; Commercial quota Harvested for New York; Closure'' received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–307. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Pacific Cod by Catcher Processors Vessels Using Hook and Line Gear in the Bering Sea and Aleutian Islands Management Area'' received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–308. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Herring Fishery; Closure of Directed Fishery for Management Area 1B'' received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–309. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of code by Catcher Vessels 60 Feet Length Overall Using Hook and Line Gear in the Bearing Sea and Aleutian Islands'' received on January 24, 2005; to the

Committee on Commerce, Science, and Transportation.

EC–310. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Apportionment of non-specified Reserves of Groundfish to Certain Target Species in the Bering Sea and Aleutian Islands Management Area'' received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–311. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notice of Closure of the 2004 Fall Commercial Red Snapper Component of the Reef Fish Fishery of the Gulf of Mexico'' received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–312. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Summaries of Rights and Notices of Duties Under the Fair Credit Reporting Act'' (RIN2084–AA94) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–313. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–314. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory species; Swordfish Quota Adjustment'' (RIN0648–AQ90) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–315. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Acting Bluefish Fishery; Commercial Quota Transfer'' received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–316. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #14—Adjustments of the Recreational Fisheries from the United States-Canada Border to Cape Falcon, Oregon'' received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–317. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; and Modification of Class E Airspace; Salina, KS'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Boone, IA'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''CORRECTION: Amendment to Restricted Areas 2932, 2933, 2934, and 2935; Cape Canaveral, FL'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Nebraska City, NE'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Control Areas 1143L and 1146L'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Oberlin, KS'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dodge City, KS'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hannibal, MO'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dodge City, KS'' (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–300 and –400ER Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–327. 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 A318, A319, A320, and A321 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Mooney Aircraft Corporation Models M20B, M20C, M20D, M20E, M20F, M20G, and M20J Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–329. 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 707 Airplanes and Model 720 and 720B Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200F, 300, 747SP, and 747SR Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–331. 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 A330 and A340 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schempp-Hirth flugzeugbau GmbH Model Duo-Discus Gliders'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–333. 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 A318, 319, 320, and 321 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 200F, and 300 Series Airplanes; and Model 747SP and 747SR Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Emprese Brasileira de Aeronautica SA Model EMB–135 and 145 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–81, 9–82, 9–83, 9–87, and Model MD88 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–337. 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 737–100, 200, 300, 400, and 500 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–338. 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 SA Model EMB 135 and 145 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300, and 300FF Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–340. 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 757–200 and 300 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–341. 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 757–200, 200PF, 200CB and 300 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–342. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc. Model MD900 Helicopters'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–343. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Model GV and GV SP Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–344. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 206L–1 and 206L–3 Helicopters'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–345. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 8100 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–346. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model Cl 600 2B19 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–347. 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 A310 Series Airplanes; and Model A300 B4 600, B4–600R, and F4 600R Series Airplanes; and Model C4 605R Variant F Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–348. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4–600R and A300F4–600R Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–349. 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 737–700 and 800 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–350. 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 and A320 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–351. 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 11 and 11F Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airplanes, and Models 700 and 300 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–353. 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 11 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft Ltd. Model PC 7 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–355. 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 11 and 11F Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB 340A and SAAB 340B Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: deHavilland Inc Models DHC 2 Mk I and DHC 2 Mk II Airplanes and Bombardier Inc. Model DHC–3 Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–358. 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 328–100 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CORRECTION Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–360. 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 328 100 and 300 Series Airplanes'' (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (8); Amendment No. 451 [10–22/11–29]'' (RIN2120–AA63) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (119); Amdt. No. 3106 [10–15/11–29]'' (RIN2120–AA65) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (98); Amdt. No. 3107 [10–20/11–29]'' (RIN2120–AA65) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Becker Flugfunkwerk GmbH AR 4201 VHF AM Transceivers'' (RIN2120–AA64) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Model G 1159, 1159A, 1159B, and G–IV Series Airplanes'' (RIN2120–AA64) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller Inc. Model HC B5MP–3/M10282A Five Bladed Propellers; Correction'' (RIN2120–AA64) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Warrensburg, MO'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Sedalia, MO'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hartington, NE'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Harvard, NE'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Modification of Class E Airspace: Napa, CA'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dodge City, KS; Correction'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and Class E Airspace; Prescott, AZ'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and E Airspace; Goldsoro, NC'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Oberline, KS'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Imperial, NE'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Nebraska City, NE'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scribner, NE'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dodge City, KS; Correction'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–380. 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 D Airspace; Riverside March Field, CA'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area 2306C, Yuma West, AZ'' (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–382. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions'' (RIN2137–AD92) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–383. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Head Restraints'' (RIN2127–AH09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–384. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reflectorization of Rail Freight Rolling Stock'' (RIN2130–AB41) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 13. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 14. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 15. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 16. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. Res. 17. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

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

S. Res. 19. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Ms. SNOWE, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 21. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.

By Mr. SPECTER for the Committee on the Judiciary.

Alberto R. Gonzales, of Texas, to be Attorney General.

*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. BINGAMAN (for himself and Mr. BENNETT):

S. 168. A bill to reauthorize additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, and Mr. INHOFE):

S. 169. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 170. A bill to clarify the definition of rural airports; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, and Mrs. MURRAY):

S. 171. A bill to exempt seaplanes from certain transportation taxes; to the Committee on Finance.

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

S. 172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 173. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare program that have received an organ transplant; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. DODD, and Mrs. MURRAY):

S. 174. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 175. A bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 176. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. ALLARD, Mr. BAUCUS, and Mr. ENSIGN):

S. 177. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 178. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 179. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL:

S. 180. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

By Mr. ENSIGN:

S. 181. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. BENNETT:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 183. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, and Ms. MURKOWSKI):

S. 184. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. HAGEL, Mr. DURBIN, and Mr. DAYTON):

S. 185. A bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. SHELBY, Mr. MCCONNELL, Mr. BUNNING, and Mr. SARBANES):

S. 186. A bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines; to the Committee on Armed Services.

By Mr. CORZINE (for himself, Mr. SMITH, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. DAYTON, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. SCHUMER, Mr. WYDEN, Ms. COLLINS, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, and Mr. BIDEN):

S. 187. A bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005-2006, published in the Federal Register on December 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mrs. BOXER, Mr. MCCAIN, Mr. DURBIN, Mr. CRAPO, Ms. CANTWELL, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALEXANDER, and Mr. LAUTENBERG):

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 189. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. SUNUNU, and Mrs. DOLE):

S. 190. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, Mr. BAUCUS, and Mr. SANTORUM):

S. 191. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 192. A bill to provide for the improvement of foreign stabilization and reconstruction capabilities of the United States Government; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, Mr. ALLEN, Mr. LIEBERMAN, Mr. DEMINT, Mr. SANTORUM, Mr. HAGEL, Mr. MCCAIN, Mr. SESSIONS, Mrs. DOLE, Mr. INHOFE, Mr. ENZI, Mr. THUNE, Mr. LOTT, Mr. KYL, Mr. MARTINEZ , Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Mr. ENSIGN, Mrs. LINCOLN, and Mr. THOMAS):

S. 193. A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Nebraska (for himself and Mr. ENZI):

S. 194. A bill to amend the Farm Security and Rural Investment Act of 2002 to permit the planting of chicory on base acres; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. DAYTON, Mr. CORZINE, Mr. SARBANES, Mr. OBAMA, Ms. MIKULSKI, and Mr. SCHUMER):

S. 195. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, and Mr. JOHNSON):

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mrs. BOXER:

S. 197. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM:

S. 198. A bill for the relief of Griselda Lopez Negrete; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 199. A bill for the relief of Ricardo F. Pedrotti; to the Committee on the Judiciary.

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

S. 200. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 13. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. CHAMBLISS:

S. Res. 14. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. SHELBY:

S. Res. 15. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Ms. COLLINS:

S. Res. 16. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. INHOFE:

S. Res. 17. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. TALENT (for himself, Mr. LUGAR, Mr. FRIST, Mr. WYDEN, Mrs. DOLE, Mr. DODD, Ms. MIKULSKI, Mr. LEVIN, Mr. LAUTENBERG, Mr. ALEXANDER, Mr. VOINOVICH, Mr. COLEMAN, and Mr. HAGEL):

S. Res. 18. A resolution commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland; considered and agreed to.

By Mr. MCCAIN:

S. Res. 19. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Ms. MIKULSKI, Mr. BAYH, Mr. DOMENICI, Mr. LEVIN, Mr. CONRAD, Mr. DAYTON, Ms. LANDRIEU, Mr. JOHNSON, Mr. NELSON of Nebraska, Ms. STABENOW, and Mrs. CLINTON):

S. Res. 20. A resolution designating January 2005 as ''National Mentoring Month''; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 21. An original resolution authorizing expenditures by the Committee on

Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mr. BINGAMAN (for himself, Mr. CORNYN, and Mr. DOMENICI):

S. Con. Res. 6. A concurrent resolution honoring the life and contribution of Yogi Bhajan, a leader of the Sikhs, and expressing condolences to the Sikh community on his passing; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. LEVIN, and Mr. DURBIN):

S. Con. Res. 7. A concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform; considered and agreed to.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 8

At the request of Mr. ENSIGN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 11

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 11, a bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 12

At the request of Mr. BIDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 12, a bill to combat international terrorism, and for other purposes.

S. 15

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 15, a bill to improve education for all students, and for other purposes.

S. 19

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 19, a bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility.

S. 77

At the request of Mr. SESSIONS, the names of the Senator from Alabama (Mr. SHELBY), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mrs. DOLE), the Senator from New York (Mrs. CLINTON), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Jersey (Mr. CORZINE), the Senator from Florida (Mr. MARTINEZ), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. BURR), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. NELSON), the Senator from Louisiana (Mr. VITTER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 78

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 103

At the request of Mr. TALENT, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S.J. RES. 1

At the request of Mr. ALLARD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

SAFE HIGHWAYS ACT

S. 95 was introduced on January 24, 2005. The text of the bill is as follows:

S. 95

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 ''Safe Highways and Infrastructure Preservation Act''.

SEC. 2. OPERATION OF RESTRICTED PROPERTY-CARRYING UNITS ON NATIONAL HIGHWAY SYSTEM.

(a) RESTRICTED PROPERTY-CARRYING UNIT DEFINED.—Section 31111(a)(1) of title 49, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) RESTRICTED PROPERTY-CARRYING UNIT.—The term 'restricted property-carrying unit' means any trailer, semi-trailer, container, or other property-carrying unit that is longer than 53 feet.''.

(b) PROHIBITION ON OPERATION OF RESTRICTED PROPERTY-CARRYING UNITS.—

(1) IN GENERAL.—Section 31111(b)(1)(C) of title 49, United States Code, is amended to read as follows:

''(C) allows operation on any segment of the National Highway System, including the Interstate System, of a restricted property-carrying unit unless the operation is specified on the list published under subsection (h);''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 270 days after the date of enactment of this Act.

(c) LIMITATIONS.—Section 31111 of title 49, United States Code, is amended by adding at the end the following:

''(h) RESTRICTED PROPERTY-CARRYING UNITS.—

''(1) APPLICABILITY OF PROHIBITION.—

''(A) IN GENERAL.—Notwithstanding subsection (b)(1)(C), a restricted property-carrying unit may continue to operate on a segment of the National Highway System if the operation of such unit is specified on the list published under paragraph (2).

''(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations specified on the list published under paragraph (2) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

''(C) FIRE-FIGHTING UNITS.—Subsection (b)(1)(C) shall not apply to the operation of a restricted property-carrying unit that is used exclusively for fire-fighting.

''(2) LISTING OF RESTRICTED PROPERTY-CARRYING UNITS.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of restricted property-carrying units that were authorized by State officials pursuant to State statute or regulation on June 1, 2003, and in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 2003.

''(B) LIMITATION.—A restricted property-carrying unit may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of the unit at some prior date by permit or otherwise.

''(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of restricted property-carrying units described in subparagraph (A).

''(D) UPDATES.—The Secretary shall update the list published under subparagraph (C) as necessary to reflect new designations made to the National Highway System.

''(3) APPLICABILITY OF PROHIBITION.—The prohibition established by subsection (b)(1)(C) shall apply to any new designation made to the National Highway System and remain in effect on those portions of the National Highway System that cease to be designated as part of the National Highway System.

''(4) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a restricted property-carrying unit if the restrictions or prohibitions are be consistent with the requirements of this section and sections 31112 through 31114.''.

(d) ENFORCEMENT.—The second sentence of section 141(a) of title 23, United States Code, is amended by striking ''section 31112'' and inserting ''sections 31111 and 31112''.

SEC. 3. OPERATION OF LONGER COMBINATION VEHICLES ON NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 31112 of title 49, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) NATIONAL HIGHWAY SYSTEM.—

''(1) GENERAL RULE.—A State may not allow, on a segment of the National Highway System that is not covered under subsection (b) or (c), the operation of a commercial motor vehicle combination (except a vehicle or load that cannot be dismantled easily or divided easily and that has been issued a special permit under applicable State law) with more than one property-carrying unit (not including the truck tractor) whose property-carrying units are more than—

''(A) the maximum combination trailer, semitrailer, or other type of length limitation allowed by law or regulation of that State on June 1, 2003, or

''(B) the length of the property-carrying units of those commercial motor vehicle combinations, by specific configuration, in actual and lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 2003.

''(2) ADDITIONAL LIMITATIONS.—

''(A) APPLICABILITY OF STATE RESTRICTIONS.—A commercial motor vehicle combination whose operation in a State is not prohibited under paragraph (1) may continue to operate in the State on highways described in paragraph (1) only in compliance with all State laws, regulations, limitations, and conditions, including routing-specific and configuration-specific designations and all other restrictions in force in the State on June 1, 2003. However, subject to regulations prescribed by the Secretary under subsection (h), the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 2003, for specific safety purposes and road construction.

''(B) ADDITIONAL STATE RESTRICTIONS.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a commercial motor vehicle combination subject to this section if the restrictions or prohibitions are consistent with this section and sections 31113(a), 31113(b), and 31114.

''(C) MINOR ADJUSTMENTS.—A State making a minor adjustment of a temporary and emergency nature as authorized by subparagraph (A) or further restricting or prohibiting the operation of a commercial motor vehicle combination as authorized by subparagraph (B) shall advise the Secretary not later than 30 days after the action. The Secretary shall publish a notice of the action in the Federal Register.

''(3) LIST OF STATE LENGTH LIMITATIONS.—

''(A) STATE SUBMISSIONS.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in the State on the highways described in paragraph (1). The list shall indicate the applicable State laws and regulations associated with the length limitations. If a State does not submit the information as required, the Secretary shall complete and file the information for the State.

''(B) PUBLICATION OF INTERIM LIST.—Not later than 90 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish an interim list in the Federal Register consisting of all information submitted under subparagraph (A). The Secretary shall review for accuracy all information submitted by a State under subparagraph (A) and shall solicit and consider public comment on the accuracy of the information.

''(C) LIMITATION.—A law or regulation may not be included on the list submitted by a State or published by the Secretary merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 2003.

''(D) PUBLICATION OF FINAL LIST.—Except as revised under this subparagraph or subparagraph (E), the list shall be published as final in the Federal Register not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, commercial motor vehicle combinations prohibited under paragraph (1) may not operate on a highway described in paragraph (1) except as published on the list.

''(E) INACCURACIES.—On the Secretary's own motion or on request by any person (including a State), the Secretary shall review the list published under subparagraph (D). If the Secretary decides there is reason to believe a mistake was made in the accuracy of the list, the Secretary shall begin a proceeding to decide whether a mistake was made. If the Secretary decides there was a mistake, the Secretary shall publish the correction.''.

(b) CONFORMING AMENDMENTS.—Section 31112 of title 49, United States Code, is amended—

(1) by inserting ''126(e) or'' before ''127(d)'' in paragraph (1) of subsection (g) (as redesignated by subsection (a) of this section);

(2) by inserting ''(or June 1, 2003, with respect to highways described in subsection (f)(1))'' after ''June 2, 1991'' in paragraph (3) of subsection (g) (as redesignated by subsection (a) of this section);

(3) by striking ''Not later than June 15, 1992, the Secretary'' and inserting ''The Secretary''; and

(4) by inserting ''or (f)'' after ''subsection (d)''in paragraph (2) of subsection (h) (as redesignated by subsection (a) of this section).

SEC. 4. TERMINATION OF DETERMINATIONS OF GRANDFATHER RIGHTS.

(a) IN GENERAL.—Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(h) GRANDFATHER RIGHTS.—

''(1) GENERAL RULE.—After the 270th day following the date of enactment of the Safe Highways and Infrastructure Preservation Act, a State may not allow, on a segment of the Interstate System, the operation of a vehicle or combination (other than a longer combination vehicle) exceeding an Interstate weight limit unless the operation is specified on the list published under paragraph (2).

''(2) LIST OF VEHICLES AND COMBINATIONS.—

''(A) PROCEEDING.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of vehicles and combinations (other than longer combination vehicles), otherwise exceeding an Interstate weight limit, that the Department of Transportation, any other Federal agency, or a State has determined on or before June 1, 2003, could be lawfully operated within such State—

''(i) on July 1, 1956;

''(ii) in the case of the overall gross weight of any group of 2 or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974; or

''(iii) under a special rule applicable to a State under subsection (a).

''(B) LIMITATIONS.—

''(i) ACTUAL AND LAWFUL OPERATIONS REQUIRED.—An operation of a vehicle or combination may be included on the list published under subparagraph (A) only if the vehicle or combination was in actual and lawful operation in the State on a regular or periodic basis on or before June 1, 2003.

''(ii) STATE AUTHORITY NOT SUFFICIENT.—An operation of a vehicle or combination may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of the vehicle or combination at some prior date by permit or otherwise.

''(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of vehicles and combinations described in subparagraph (A).

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from reducing the gross vehicle weight limitation, the single and tandem axle weight limitations, or the overall maximum gross weight on a group of 2 or more consecutive axles applicable to portions of the Interstate System in the State for operations on the list published under paragraph (2)(C) as long as no such reduction results in a limitation that is less than an Interstate weight limit.

''(4) APPLICABILITY OF EXISTING REQUIREMENTS.—All vehicles and combinations included on the list published under paragraph (2) shall be subject to all routing-specific, commodity-specific, and weight-specific designations in force in a State on June 1, 2003.

''(5) INTERSTATE WEIGHT LIMIT DEFINED.—In this subsection, the term 'Interstate weight limit' means the 80,000 pound gross vehicle weight limitation, the 20,000 pound single axle weight limitation (including enforcement tolerances), the 34,000 pound tandem axle weight limitation (including enforcement tolerances), and the overall maximum gross weight (including enforcement tolerances) on a group of 2 or more consecutive axles produced by application of the formula in subsection (a).''.

(b) CONFORMING AMENDMENT.—The fourth sentence of section 127(a) of title 23, United States Code, is amended by striking ''the State determines''.

SEC. 5. NONDIVISIBLE LOAD PROCEEDING.

Section 127 of title 23, United States Code, is further amended by adding at the end the following:

''(i) NONDIVISIBLE LOADS.—

''(1) PROCEEDING.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to define the term 'vehicles and loads which cannot be easily dismantled or divided' as used in subsection (a) and section 31112 of title 49.

''(2) LIST OF COMMODITIES.—

''(A) IN GENERAL.—The definition developed under paragraph (1) shall include a list of commodities (or classes or types of commodities) that do not qualify as nondivisible loads.

''(B) LIMITATION.—The list of commodities developed under paragraph (1) shall not be interpreted to be a comprehensive list of commodities that do not qualify as nondivisible loads.

''(3) REGULATIONS.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall issue final regulations

setting forth the determination of the Secretary made under paragraph (1). The Secretary shall update the regulations as necessary.

''(4) APPLICABILITY.—Regulations issued under paragraph (2) shall apply to all vehicles and loads operating on the National Highway System.

''(5) STATE REQUIREMENTS.—A State may establish any requirement that is not inconsistent with regulations issued under paragraph (2).

''(6) STATEMENT OF POLICY.—The purpose of this subsection is to promote conformity with Interstate weight limits to preserve publicly funded infrastructure and protect motorists by limiting maximum vehicle weight on key portions of the Federal-aid highway system.''.

SEC. 6. WAIVERS OF WEIGHT LIMITATIONS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is further amended by adding at the end the following:

''(j) WAIVERS DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section or section 126, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section or section 126 with respect to a highway route during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

SEC. 7. VEHICLE WEIGHT LIMITATIONS—NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 125 the following:

''§ 126. Vehicle weight limitations—National Highway System

''(a) NON-INTERSTATE HIGHWAYS ON NHS.—

''(1) IN GENERAL.—After the 270th day after the date of enactment of the Safe Highways and Infrastructure Preservation Act, any Interstate weight limit that applies to vehicles and combinations (other than longer combination vehicles) operating on the Interstate System in a State under section 127 shall also apply to vehicles and combinations (other than longer combination vehicles) operating on non-Interstate segments of the National Highway System in such State, unless such segments are subject to lower State weight limits as provided for in subsection (d).

''(2) EXISTING HIGHWAYS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), in the case of a non-Interstate segment of the National Highway System that is open to traffic on June 1, 2003, a State may allow the operation of any vehicle or combination (other than a longer combination vehicle) on such segment that the Secretary determines under subsection (b) could be lawfully operated on such segment on June 1, 2003.

''(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations described in subparagraph (A) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

''(3) NEW HIGHWAYS.—Subject to subsection (d)(1), the gross vehicle weight limitations and axle loading limitations applicable to all vehicles and combinations (other than longer combination vehicles) on a non-Interstate segment of the National Highway System that is not open to traffic on June 1, 2003, shall be the Interstate weight limit.

''(b) LISTING OF VEHICLES AND COMBINATIONS.—

''(1) IN GENERAL.—The Secretary shall initiate a proceeding to determine and publish a list of vehicles and combinations (other than longer combination vehicles), otherwise exceeding an Interstate weight limit, that could be lawfully operated on a non-Interstate segment of the National Highway System on June 1, 2003.

''(2) REQUIREMENTS.—In publishing a list of vehicles and combinations under paragraph (1), the Secretary shall identify—

''(A) the gross vehicle weight limitations and axle loading limitations in each State applicable, on June 1, 2003, to vehicles and combinations (other than longer combination vehicles) on non-Interstate segments of the National Highway System; and

''(B) operations of vehicles and combinations (other than longer combination vehicles), exceeding State gross vehicle weight limitations and axle loading limitations identified under subparagraph (A), which were in actual and lawful operation on a regular or periodic basis (including seasonal operations) on June 1, 2003.

''(3) LIMITATION.—An operation of a vehicle or combination may not be included on the list published under paragraph (1) on the basis that a State law or regulation could have authorized such operation at some prior date by permit or otherwise.

''(4) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of vehicles and combinations described in paragraph (1).

''(5) UPDATES.—The Secretary shall update the list published under paragraph (1) as necessary to reflect new designations made to the National Highway System.

''(c) APPLICABILITY OF LIMITATIONS.—The limitations established by subsection (a) shall apply to any new designation made to the National Highway System and remain in effect on those non-Interstate highways that cease to be designated as part of the National Highway System.

''(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—

''(1) STATE ENFORCEMENT OF MORE RESTRICTIVE WEIGHT LIMITS.—This section does not prevent a State from maintaining or imposing a weight limitation that is more restrictive than the Interstate weight limit on vehicles or combinations (other than longer combination vehicles) operating on a non-Interstate segment of the National Highway System.

''(2) STATE ACTIONS TO REDUCE WEIGHT LIMITS.—This section does not prevent a State from reducing the State's gross vehicle weight limitation, single or tandem axle weight limitations, or the overall maximum gross weight on 2 or more consecutive axles on any non-Interstate segment of the National Highway System.

''(e) LONGER COMBINATION VEHICLES.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—After the 270th day after the date of enactment of the Safe Highways and Infrastructure Preservation Act, a longer combination vehicle may continue to operate on a non-Interstate segment of the National Highway System only if the operation of the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation on June 1, 2003, and in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 2003.

''(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations described in subparagraph (A) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

''(2) LISTING OF VEHICLES AND COMBINATIONS.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of longer combination vehicles that could be lawfully operated on non-Interstate segments of the National Highway System on June 1, 2003.

''(B) LIMITATION.—A longer combination vehicle may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of such vehicle at some prior date by permit or otherwise.

''(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of longer combination vehicles described in subparagraph (A).

''(D) UPDATES.—The Secretary shall update the list published under subparagraph (A) as necessary to reflect new designations made to the National Highway System.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a longer combination vehicle if the restrictions or prohibitions are consistent with the requirements of section 127 of this title and sections 31112 through 31114 of title 49, United States Code.

''(f) MODEL SCHEDULE OF FINES.—

''(1) IN GENERAL.—The Secretary, in consultation with the States, shall establish a model schedule of fines to be assessed for violations of this section.

''(2) PURPOSE.—The purpose of the schedule of fines shall be to ensure that fines are sufficient to deter violations of the requirements of this section and to permit States to recover costs associated with damages caused to the National Highway System by the operation of such vehicles.

''(3) ADOPTION BY STATES.—The Secretary shall encourage but not require States to adopt the schedule of fines.

''(g) DEFINITIONS.—In this section:

''(1) INTERSTATE WEIGHT LIMIT.—The term 'Interstate weight limit' has the meaning given that term in section 127(h).

''(2) LONGER COMBINATION VEHICLE.—The term 'longer combination vehicle' has the meaning given that term in section 127(d).''.

(b) ENFORCEMENT OF REQUIREMENTS.—Section 141(a) of title 23, United States Code, is amended—

(1) by striking ''the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System'' and inserting ''the National Highway System, including the Interstate System,''; and

(2) by striking ''section 127'' and inserting ''sections 126 and 127''.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 125 the following:

''126. Vehicle weight limitations—National Highway System.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. BENNETT):

S. 168. A bill to reauthorize additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleague Senator BENNETT to introduce the Indian School Bus Route Safety Reauthorization Act of 2005. This bill continues an important Federal program begun in 1998 that addresses a unique problem with the roads in and around the Nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I'd like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three States: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,800 miles of public roads serve the Navajo nation. Only about one-fifth of these roads are paved. The remaining 7,600 miles, seventy-eight percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,400 miles of the roads on the Navajo reservation are BIA roads, and about 2,500 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in TEA–21 is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, three-quarters of McKinley County is either tribal or federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, UT, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, NM, and Apache, Navajo, and Coconino Counties, AZ. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses don't get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. The funding was included at my request in section 1214(d) of TEA–21. Under this provision, $1.5 million was made available each year to be shared equally among the three States. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For the last six years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I had an opportunity in 1998 to see first hand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, for fiscal years 2005 through 2010, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the three States. The text of the bill is identical to that passed last year by the full Senate in H.R. 3550, the SAFETEA bill.

I believe that continuing this program for six more years is fully justified because of the vast area of the Navajo reservation—by far the Nation's largest—and the unique nature of this need that only the Federal Government can deal with effectively.

I don't believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. The Senate already passed this legislation last year. I ask all Senators to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I am pleased that Congressmen TOM UDALL of New Mexcio, RICK RENZI of Arizona, and JAMES DAVID MATHESON of Utah are introducing a companion bill today in the House. I look forward to working with them this year and with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation bill.

I ask unanimous consent that 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. 168

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 School Bus Route Safety Reauthorization Act of 2005''.

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking ''$1,500,000 for each of fiscal years 1998 through 2003'' and inserting ''$1,800,000 for each of fiscal years 2005 through 2010''.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, and Mr. INHOFE):

S. 169. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Otero, Lincoln, Torrance, Guadalupe, and Quay Counties.

The purpose of this legislation is to focus attention on the need to upgrade U.S. Highway 54 to four lanes. I believe improving the transportation infrastructure will help attract good jobs to South, Central, and Eastern New Mexico.

I am honored to have my good friend and colleague, Senator ROBERTS, as the lead cosponsor of the bill. I am also pleased to have Senators INHOFE as an original cosponsor. In addition, Representatives UDALL (NM), LUCAS, and PEARCE are introducing this bill today on the House side.

Our bill designates U.S. Highway 54 from the border with Mexico at the Bridge of the Americas in El Paso, TX, through New Mexico, and Oklahoma to Wichita, KS, as the Southwest Passage Initiative for Regional and Interstate Transportation, or SPIRIT, corridor. Congress has already included Highway 54 as part of the National Highway System. This bill adds the SPIRIT Corridor to Congress's list of High Priority Corridors on the National Highway System.

About half of the 700-mile-long SPIRIT corridor is in New Mexico and another 200 miles of it are in Kansas. Our goal in asking Congress to designate SPIRIT as a High Priority Corridor on the National Highway System is to help focus attention on the need for a complete four-lane upgrade of the route from El Paso to Wichita. When completed, the route will link rural areas in the four States to major market centers.

I continue to believe strongly in the importance of highway infrastructure for economic development in my state. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways more readily attract out-of-state visitors and new jobs. Truck drivers and the traveling public prefer the safety of a four-lane divided highway.

In New Mexico, U.S. 54 is a fairly level route, bypassing New Mexico's major mountain ranges. The route also traverses some of New Mexico's most dramatic scenery, including three of the state's popular Scenic Byways. One is the Mesalands Scenic Byway in Guadalupe, San Miguel and Quay Counties, incorporating the beautiful tablelands known as El Llano Estacado. Another is the State's newest byway, La Frontera de Llano, which follows highway 39 from Logan to Abbott in Harding County, including the spectacular Canadian River Canyon and the Kiowa National Grasslands. The third byway is the historic Route 66, which crosses Highway 54 from Santa Rosa to Tucumcari.

The SPIRIT corridor passes through Alamogordo, home of the New Mexico Museum of Space History and gateway to the stunning White Sands National Monument.

Highway 54 is also important to our Nation from the perspective of national security. The route directly serves Fort Bliss, the White Sands Missile Range, and Holloman Air Force Base. It also passes through the Nation's breadbasket as well as some of the Nation's most important oil and gas fields.

The route of the SPIRIT corridor starts at Juarez, Chihuahua, Mexico, home of one the largest concentrations of manufacturing in the border region. As a result of increased trade under NAFTA, commercial border traffic is now much higher at the border crossings in El Paso, Texas, and Santa Teresa, New Mexico. In New Mexico, truck traffic from the border has risen to over 1000 per day and is expected to triple in the next twenty years.

The SPIRIT corridor is perfectly situated to serve international trade and promote economic development along its entire route. The route provides direct connections to four major Interstate Highways: I–10, 1–35, I–40, and 1–70. SPIRIT is also the shortest route between Chicago and El Paso shaving 137 miles off the major alternative.

Though much of U.S. 54 is currently only two lanes, traffic has been rising dramatically along the entire route since NAFTA was implemented. In New Mexico, total daily traffic levels are nearing 10,000 and are projected to rise to 30,000, with trucks making up 35 percent of the total. In Oklahoma, traffic levels are up to 6,500 per day—40 percent of which are commercial trucks. These traffic statistics clearly reflect the SPIRIT corridor's attraction to commercial and passenger drivers.

New Mexicans recognize the importance of efficient roads to economic development and safety. I have long supported my State's efforts to complete the four-lane upgrade of U.S. 54. The State Department of Transportation rates the project a high priority for New Mexico. The four-lane upgrade of the first 56-mile segment from the Texas border to Alamogordo was completed in 2002. Two more sections in New Mexico remain to be upgraded: 163 miles from Tularosa, north through Carrizozo, Corona, and Vaughn, to Santa Rosa and 50 miles from Tucumcari to the Texas border near Nara Visa in Quay County. This corridor is currently a two-lane facility with no shoulders, no passing zones and various deficient areas. The cost to four-lane these two segments is estimated at $420 million.

I am pleased Governor Richardson has set aside over $130 million as part of the New Mexico's GRIP initiative to upgrade key portions of the route between Tularosa and Santa Rosa. I am committed to working with State to secure the funding required to complete New Mexico's four-lane upgrade as soon as possible. I am pleased the other states are also moving quickly to four-lane their portion of the route.

Once the SPIRIT corridor is designated, New Mexico will have four high-priority corridors on the National Highway System. The other three are the Ports-to-Plains corridor, the Camino Real Corridor, and the East West Transamerica Corridor. These four trade corridors, as well as our close proximity to the border, strongly underscore the vital role New Mexico plays in our Nation's interstate and international transportation network.

The SPIRIT project has broad grassroots support. Most of the cities, counties, and chambers of commerce all the way from Wichita to El Paso have passed resolutions of support for the four-lane upgrade of U.S. 54 along the entire corridor.

I do believe the four-lane upgrade of Highway 54 is vital to the continued economic development for all of the communities along the SPIRIT corridor in New Mexico. I again thank Senators ROBERTS and INHOFE for cosponsoring the bill, and I hope all senators will join us in support of this important legislation. It is my hope that our bill can pass quickly this year or be included when the Senate again considers the reauthorization of a six-year surface transportation bill.

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. 169

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

SECTION 1. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(46) The corridor extending from the point on the border between the United States and Mexico at El Paso, Texas, where United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.''.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 170. A bill to clarify the definition of rural airports; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, and Mrs. MURRAY):

S. 171. A bill to exempt seaplanes from certain transportation taxes; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two related pieces of legislation addressing inequities that affect seaplane operators and passengers in rural areas. Both of these were included in S. 1072 when it passed the Senate last year, but because that business remains unfinished, it is necessary to reintroduce them.

The first of these—on which Senator STEVENS is joining me as a cosponsor, is a modification to the definition of a ''rural airport.'' The law adopted in 1997 provides for a per-passenger fee—now $3.20—on each domestic flight segment. Rural airports were exempted from the tax on the grounds it was intended to cover increased security costs for airports handling large aircraft and international flights. The law defines a rural airport as one which—for a given calendar year—has fewer than 100,000 departures in the second preceding calendar year, and which either received essential air service subsidies as of August 5, 1997, or is more than 75 miles from a larger airport.

The latter provision is a significant problem in my State. It was intended to reflect the fact that 75 miles is not really a long way to drive to and from an airport. Unfortunately, that assumes there is a road to drive on. That's not always the case. My State has a number of small community airports that are within 75 miles of a larger airport, but where there are no roads connecting the two. Thus, passengers cannot choose to drive to the larger airport. In order to fly to their ultimate destination, they are forced to fly from their village to the larger airport, where the passenger tax is legitimately collected. The bottom line is that these rural residents are unfairly taxed at least twice as much as all the other passengers leaving from the larger airport.

My bill simply adds this one additional unique criterion to the definition of a rural airport—that it may include a small airport that is within 75 miles from a larger one, but where there is no road connection between the two.

The second bill I am introducing today—along with Senator STEVENS and Senator MURRAY—is also intended to correct an inequity. Air passenger transportation is subject to a 7.5 percent excise tax in addition to the $3.20 per-segment fee. This generates revenue that goes toward the maintenance and improvements of airports receiving Airport Improvement Program (AIP) funding. However, in several cases in Alaska, and in at least one case in the State of Washington, the taxes are imposed on seaplane operators who land on and take off from open waters, not from facilities using AIP funds, and which rarely if ever make use of FAA communication and navigation systems. It should be a fundamental tenet that those who do not receive a service should not be required to pay for it. That is exactly the basis for my second bill.

Both these proposals have been in circulation for several years. Each of them has been estimated by the Joint Committee on Taxation to have negligible impacts on revenue—less than $2 million per year for the rural airport definition and less than $1 million for the excise tax. In that connection, it should also be noted that even if the excise tax for seaplane operators is eliminated, they will still be paying their fair share because they will automatically begin paying higher fuel taxes. The latter will go up from 4.4 cents per gallon to 19.4 cents per gallon for aviation gasoline and to 21.9 cents per gallon for jet fuel.

I encourage my colleagues' support of these two important measures.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 170

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

SECTION 1. RURAL AIRPORTS.

(a) IN GENERAL.—Clause (ii) of section 4261(e)(1)(B) of the Internal Revenue Code of 1986 (defining rural airport) is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'', and

(3) by adding at the end the following:

''(III) is not connected by paved roads to another airport.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2004.

S. 171

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

SECTION 1. EXEMPTION FROM TAX FOR TRANSPORTATION PROVIDED BY SEAPLANES.

(a) IN GENERAL.—Section 4261 of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) EXEMPTION FOR TRANSPORTATION PROVIDED BY SEAPLANES.—No tax shall be imposed by this section or section 4271 on any air transportation by a seaplane with respect to any segment consisting of a takeoff from, and a landing on, water.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2004.

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

S. 172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. 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. 172

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

SECTION 1. FINDINGS.

Congress finds as follows:

(1) All contact lenses have significant effects on the eye and pose serious potential health risks if improperly manufactured or used without appropriate involvement of a qualified eye care professional.

(2) Most contact lenses currently marketed in the United States, including certain plano and decorative contact lenses, have been approved as medical devices pursuant to premarket approval applications or cleared pursuant to premarket notifications by the Food and Drug Administration (''FDA'').

(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

SEC. 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following:

''REGULATION OF CONTACT LENS AS DEVICES

''(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

''(2) Paragraph 1 shall not be construed as having any legal effect on any article that is not described in that paragraph.''.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 173. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare program that have received an organ transplant; to the Committee on Finance.

Mr. DEWINE. 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. 173

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 ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005''.

SEC. 2. COMPREHENSIVE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR ORGAN TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive

drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) OTHER TRANSPLANT RECIPIENTS.—The flush matter following paragraph (2)(C)(ii)(II) of section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by striking ''of this subsection)'' and inserting ''of this subsection and except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))''.

(3) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

(B) by adding at the end the following new subsection:

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2); and

''(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.''.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 4. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of immunosuppressive drugs''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2006.

By Mr. DEWINE (for himself, Mr. DODD, and Mrs. MURRAY):

S. 174. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I would like to discuss a bill Senator DODD and I are introducing today. This is a bill about children, and it covers an issue that is difficult to think about or talk about, but one that is critical to many children and their families in our Nation.

What I am talking about is what we can do when a child develops a life-threatening or terminal illness. How do we make sure we do everything in our power to make a sick child as comfortable as possible and as happy as possible—everything in our power to ease their suffering—when that child is terminally ill. We have a pressing need for comprehensive, compassionate, continuous care for children who are facing death as a result of serious illness.

No parent or family member ever expects a child to die. With today's modern medicine and research advances, it is easy to think that only older people die, but, tragically, we all know that is not the case. That is why today we are introducing the Compassionate Care for Children Act, a bill we introduced previously in the 108th Congress along with Representative DEBORAH PRYCE in the House. This legislation is an effort to help ensure that very sick children receive a continuum of care and that young lives do not end in preventable pain or fear or sadness.

Every year, over 55,000 children die in the United States. Some children will die suddenly and unexpectedly—in a car accident, by drowning, or fire, or by choking. Some may even be murdered. Others, though—thousands of children, actually—will be diagnosed with life-threatening illnesses or diseases that might eventually, over a period of time, take away these children's lives. Children with such illnesses are in and out of hospitals and clinics. They receive chemotherapy and radiation treatments. They might undergo multiple surgeries. They might have nurses and doctors poking and prodding at them nearly all the time. Some of these children are old enough to realize that they might die if the treatments for their diseases don't work. Others are too young to understand that reality.

One little girl—Liza—knew she was going to die. Shortly after her fourth birthday, she was diagnosed with a form of leukemia. For the next year, Liza's parents explored every possible medical option for her and every possible treatment. They took her to doctor after doctor after doctor, and they had access to the most cutting-edge therapies available to treat Liza's disease. Nothing seemed to work. At the age of five, Liza began to ask her mother what would come next, and whether she would soon die after her bone marrow transplant—her last chance for a cure—had failed.

Once the medical treatments had failed, doctors had little else to offer Liza. There was no discussion, tragically, about end-of-life care at the hospital for this little child. No one wanted to admit that they were out of

treatment options—that there was no cure—that she wasn't going to get better, have her life restored and her health restored—that she wasn't going to grow up and become an adult and have her own children someday. There was no discussion of that. No one in that hospital wanted to talk with Liza about death, even though this little girl pleaded with them to do so.

Liza's mother told the Washington Post that Liza asked her oncologist to tell her when death was near. This little five-year-old girl asked her doctor to tell her when she was going to die. Yet, on the final night of her life, as this little child lay dying in her mother's arms, near her father and her older sister, Liza asked, ''Why didn't the doctor call to tell me?''

Liza's parents were able to get some hospice care for their daughter during the last three months of her life. Tragically, fewer than 10 percent of children who die in the United States ever receive any sort of hospice care. When children like Liza are terminally ill, parents are forced to make decisions for their children under extremely emotional and stressful conditions. The decisions that confront these parents are ones that they never, of course, expected to have to make. Parents want what is best for their children. They want their children to get better and be healthy. They want their children to be pain free. They want their children to receive comfort and care when they are sick.

God forbid that parents find out their children are very sick—so sick they are never going to get better—so sick there are no more treatments and no more cures—and so sick they know their children are going to die. Those parents will try to do everything imaginable and everything possible in their power to help their children and make them comfortable—pain-free and happy in their remaining days.

Mr. President, we have an obligation to help those parents. Children with life-threatening diseases and illnesses require special medical attention to make their shortened lives more comfortable. We know that. Yet, despite that knowledge, the fact is, current federal law and regulations do not take into consideration the special care needs of a gravely ill or dying child. In fact, these federal laws and regulations get in the way of taking care of these children.

The legislation we are introducing today would help correct the deficiencies in current law and help sick children facing possible death live more comfortably and live with dignity. It would help them receive the comprehensive care they deserve and the comprehensive care we would expect for our own children.

Let me take a few moments to explain what our bill actually does. First, it offers grants so doctors and nurses can receive training and education to enable them to better understand these issues and to help them provide end-of-life care for these kids. The goal of these grants is to improve the quality of care terminally ill children receive. One of the ways we do this is to make sure doctors and nurses truly understand these issues so they can provide the care and be better informed. Our bill also provides money for the National Institutes of Health to conduct research in pain and symptom management in children. This research is critically important to improving the type of care that dying children receive.

An article in the New England Journal of Medicine stated that 89 percent of children dying of cancer die experiencing ''a lot or a great deal'' of pain and suffering. This does not have to happen. We can change that, and we must. This is simply not acceptable. Research has to be done so that children will not suffer needlessly.

In addition to grants, the second piece of our bill changes the way care is delivered to children with life-threatening illnesses. Right now, doctors, hospitals, and parents have to overcome significant insurance and eligibility barriers to enroll a dying child in hospice. First, to qualify for hospice, a doctor must certify that a child has six months or less to live. The problem with this ''six-month rule'' is that it is harder for a doctor to determine the life expectancy of a sick child than it is to determine the life expectancy of a sick adult or elderly person. A child dying of cancer, for example, may die in six months or six years, making that child ineligible for hospice care that would ensure a comfortable life while that child is alive. It is very difficult many times to estimate how long that child is going to live. This very rigid six-month predictability rule, which denies care, is very inhumane for these kids. It is wrong, and we have to change that rule.

According to Dr. Joanne Hilden and Dr. Dan Tobin, ''Sick children are still growing, which is a biological process very much like healing. So, when a child is diagnosed with illness, such as cancer or heart disease, he or she is much more likely to be cured than an adult.'' Simply put, diseases progress differently in children than adults, and children with terminal diseases get lost in the health care system designed for adults—a health care system that does not take into consideration the special needs of children.

Furthermore, the current system does not allow a patient to receive curative and palliative care simultaneously. In other words, current law does not allow doctors to continue trying life-prolonging treatments—treatments that could cure an illness or extend a life—and also at the same time provide palliative care to that patient. That means that current law does not allow the doctors to go in to provide typical hospice care where you make that child comfortable and do all the things to alleviate the pain and at the same time try to save the child's life.

That is wrong. That is simply wrong. That presents a parent with a horrible choice—a choice that no parent should ever have to make. That is tragic. Palliative care offers a continuum of care—care that involves counseling to families and patients about how to confront death—care that involves making the patient comfortable in his or her sickest hours—care that acknowledges that death is a real possibility.

Federal law requires a person who wishes to receive end-of-life care to discontinue receiving curative or life-prolonging treatment. This should not be an either/or decision for parents. I don't know of any parent who would give up trying to cure a sick child when there was any chance that child might be saved. They should not be put in this position.

Current law places parents in impossible positions. We simply must fix this. End-of-life care should be integrated with curative care so that parents, children, and doctors have access to a range of benefits and services. As I said earlier, palliative care should not be confined to the dying. It should be available to any child who is seriously ill.

That is why our bill creates Medicare and private market demonstration programs to remove these barriers, making it simpler and easier for doctors and parents to make end-of-life decisions for children. The demonstration program would allow children to receive curative and palliative care concurrently. This means children can continue to receive treatment and life-prolonging care while receiving palliative care at the same time. The demonstration program also removes the six-month rule so children can receive palliative care benefits at the time of diagnosis.

I would like to take a moment to tell my colleagues about another girl—Rachel Ann. Rachel Ann was a little girl who did receive palliative care from the time she was diagnosed with a grave heart problem. Rachel Ann had a heart that doctors describe as ''incompatible with life.'' Most babies with heart malformations like Rachel Ann die within a matter of days after birth. Rachel Ann's parents were devastated and distraught to see their tiny baby connected to a sea of wire and tubes, clinging to life.

Rachel Ann's parents were referred to a pediatric hospice and decided to bring their daughter home from the hospital so she could experience life with her family, surrounded by parents, brothers, relatives, and friends at home. Rachel Ann's parents say she seemed truly happy at home. She smiled and wiggled in response to voices and being held. Her brothers doted on their baby sister.

Rachel Ann was able to spend her life at home in comfort with her family. She lived for 42 days and her family was able to make every single moment count. On Christmas day, after spending the morning with her family, Rachel Ann passed away.

Fortunately, Rachel Ann and her family were able to spend as much time

together as possible with Rachel Ann as comfortable as possible. Her brothers were able to know their sister and to talk with hospice professionals about what was happening to her. Rachel Ann's parents and grandparents also were able to talk about her condition with hospice professionals and maintained an active role in her care. There was a support system in place for this family.

The terminal illness of a child is an incredibly difficult thing to confront for a parent and family. No one wants to think about children dying. No one wants to believe that children suffer, especially in this age of great medical advances. It is a horrible situation. But, it is one that we must face. We can always do more to improve the care that our children receive. We should continue to support research and finding cures for the diseases and illnesses from which children suffer. But, until those cures are found, and as long as children die from these diseases, we must provide care and support for a dying child. We have an obligation to provide that care and that support.

The bill we are introducing today will be an important step in this direction. It will provide tools and support networks to help grieving families in their time of need. It is the right thing to do, and I encourage my colleagues to join us in co-sponsoring this important piece of 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. 174

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Compassionate Care Act of 2005''.

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

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

SEC. 101. EDUCATION AND TRAINING.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a) by inserting ''except for section 771,'' after ''carrying out this subpart''; and

(2) by adding at the end the following:

''SEC. 771. PEDIATRIC PALLIATIVE CARE SERVICES EDUCATION AND TRAINING.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to provide training in pediatric palliative care and related services.

''(b) ELIGIBLE ENTITY DEFINED.—

''(1) IN GENERAL.—In this section the term 'eligible entity' means a health care provider that is affiliated with an academic institution, that is providing comprehensive pediatric palliative care services, alone or through an arrangement with another entity, and that has demonstrated experience in providing training and consultative services in pediatric palliative care including—

''(A) children's hospitals or other hospitals or medical centers with significant capacity in caring for children with life-threatening conditions;

''(B) pediatric hospices or hospices with significant pediatric palliative care programs;

''(C) home health agencies with a demonstrated capacity to serve children with life-threatening conditions and that provide pediatric palliative care; and

''(D) any other entity that the Secretary determines is appropriate.

''(2) LIFE-THREATENING CONDITION DEFINED.—In this subsection, the term 'life-threatening condition' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) provide short-term training and education programs in pediatric palliative care for the range of interdisciplinary health professionals and others providing such care;

''(2) provide consultative services and guidance to health care providers that are developing and building comprehensive pediatric palliative care programs;

''(3) develop regional information outreach and other resources to assist clinicians and families in local and outlying communities and rural areas;

''(4) develop or evaluate current curricula and educational materials being used in providing such education and guidance relating to pediatric palliative care;

''(5) facilitate the development, assessment, and implementation of clinical practice guidelines and institutional protocols and procedures for pediatric palliative, end-of-life, and bereavement care; and

''(6) assure that families of children with life-threatening conditions are an integral part of these processes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 102. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–1. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to eligible entities to implement or expand pediatric palliative care programs for children with life-threatening conditions.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) children's hospitals or other hospitals with a capacity and ability to care for children with life-threatening conditions;

''(2) hospices with a demonstrated capacity and ability to care for children with life-threatening conditions and their families; and

''(3) home health agencies with—

''(A) a demonstrated capacity and ability to care for children with life-threatening conditions; and

''(B) expertise in providing palliative care.

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) create new pediatric palliative care programs;

''(2) start or expand needed additional care settings, such as respite, hospice, inpatient day services, or other care settings to provide a continuum of care across inpatient, home, and community-based settings;

''(3) expand comprehensive pediatric palliative care services, including care coordination services, to greater numbers of children and broader service areas, including regional and rural outreach; and

''(4) support communication linkages and care coordination, telemedicine and teleconferencing, and measures to improve patient safety.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 103. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404H. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

''(a) ESTABLISHMENT.—The Director of the National Institutes of Health is authorized to award training grants to eligible entities to expand the number of physicians, nurses, mental health professionals, and appropriate allied health professionals and specialists (as determined by the Secretary) with pediatric palliative clinical training and research experience.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a pediatric department of a medical school and other related departments including—

''(A) oncology;

''(B) virology;

''(C) neurology; and

''(D) psychiatry;

''(2) a school of nursing;

''(3) a school of psychology and social work; and

''(4) a children's hospital or other hospital with a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 104. MODEL PROGRAM GRANTS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by section 102, is further amended by adding at the end the following:

"SEC. 399Z–2. MODEL PROGRAM GRANTS.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to enhance pediatric palliative care and care for children with life-threatening conditions in general pediatric or family practice residency training programs through the development of model programs.

''(b) ELIGIBLE ENTITY DEFINED.—In this section the term 'eligible entity' means a pediatric department of—

''(1) a medical school;

''(2) a children's hospital; or

''(3) any other hospital with a general pediatric or family practice residency program that serves a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 105. RESEARCH.

(a) PAIN AND SYMPTOM MANAGEMENT.—The Director of the National Institutes of Health (in this section referred to as the ''Director'') shall provide translational research grants to fund research in pediatric pain and symptom management that will utilize existing facilities of the National Institutes of Health including—

(1) pediatric pharmacological research units;

(2) the general clinical research centers; and

(3) other centers providing infrastructure for patient oriented research.

(b) ELIGIBLE ENTITIES.—In carrying out subsection (a), the Director may award grants for the conduct of research to—

(1) children's hospitals or other hospitals serving a significant number of children with life-threatening conditions;

(2) pediatric departments of medical schools;

(3) institutions currently participating in National Institutes of Health network of pediatric pharmacological research units; and

(4) hospices with pediatric palliative care programs and academic affiliations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

SEC. 201. MEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CARE COORDINATION SERVICES.—The term ''care coordination services'' means services that provide for the coordination of, and assistance with, referral for medical and other services, including multidisciplinary care conferences, coordination with other providers involved in care of the eligible child, patient and family caregiver education and counseling, and such other services as the Secretary determines to be appropriate in order to facilitate the coordination and continuity of care furnished to an individual.

(2) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is entitled to benefits under part A of the medicare program and who is under 18 years of age.

(4) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a pediatric palliative care program that is a public agency or private organization (or a subdivision thereof) which—

(i)(I) is primarily engaged in providing the care and services described in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395(dd)(1)) and makes such services available (as needed) on a 24-hour basis and which also provides counseling (including bereavement counseling) for the immediate family of eligible children;

(II) provides for such care and services in eligible children's homes, on an outpatient basis, and on a short-term inpatient basis, directly or under arrangements made by the agency or organization, except that—

(aa) the agency or organization must routinely provide directly substantially all of each of the services described in subparagraphs (A), (C), and (H) of such section 1861(dd)(1);

(bb) in the case of other services described in such section 1861(dd)(1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to an eligible child, regardless of the location or facility in which such services are furnished; and

(III)(aa) identifies medical, community, and social service needs;

(bb) simplifies access to service;

(cc) uses the full range of community resources, including the friends and family of the eligible child; and

(dd) provides educational opportunities relating to health care; and

(ii) has an interdisciplinary group of personnel which—

(I) includes at least—

(aa) 1 physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)));

(bb) 1 registered professional nurse; and

(cc) 1 social worker;

employed by or, in the case of a physician described in item (aa), under contract with the agency or organization, and also includes at least 1 pastoral or other counselor;

(II) provides (or supervises the provision of) the care and services described in such section 1861(dd)(1); and

(III) establishes the policies governing the provision of such care and services;

(iii) maintains central clinical records on all patients;

(iv) does not discontinue the palliative care it provides with respect to an eligible child because of the inability of the eligible child to pay for such care;

(v)(I) uses volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to use such volunteers; and

(II) maintains records on the use of these volunteers and the cost savings and expansion of care and services achieved through the use of these volunteers;

(vi) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

(vii) seeks to ensure that children and families receive complete, timely, understandable information about diagnosis, prognosis, treatments, and palliative care options;

(viii) ensures that children and families participate in effective and timely prevention, assessment, and treatment of physical and psychological symptoms of distress; and

(ix) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the eligible children who are provided with palliative care by such agency or organization; and

(B) any other individual or entity with an agreement under section 1866 of the Social Security Act (42 U.S.C. 1395cc) that—

(i) has demonstrated experience in providing interdisciplinary team-based palliative care and care coordination services (as defined in paragraph (1)) to pediatric populations; and

(ii) the Secretary determines is appropriate.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects in accordance with the provisions of this subsection to provide pediatric palliative care to eligible children.

(2) PARTICIPATION.—

(A) ELIGIBLE PROVIDERS.—Any eligible provider may furnish items or services covered under the pediatric palliative care benefit.

(B) ELIGIBLE CHILDREN.—The Secretary shall permit any eligible child residing in the service area of an eligible provider participating in a demonstration project to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for pediatric palliative care provided under the demonstration projects in the same manner in which such section applies to the payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program.

(2) COVERAGE OF PEDIATRIC PALLIATIVE CARE.—

(A) IN GENERAL.—Notwithstanding section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the pediatric palliative care benefit made available under the demonstration projects in a manner that is consistent with the requirements of subparagraph (B).

(B) BENEFIT.—Under the pediatric palliative care benefit, the following requirements shall apply:

(i) WAIVER OF REQUIREMENT TO ELECT HOSPICE CARE.—Each eligible child may receive benefits without an election under section 1812(d)(1) of the Social Security Act (42 U.S.C. 1395d(d)(1)) to receive hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))) having been made with respect to the eligible child.

(ii) AUTHORIZATION FOR CURATIVE TREATMENT.—Each eligible child may continue to receive benefits for disease and symptom modifying treatment under the medicare program.

(iii) PROVISION OF CARE COORDINATION SERVICES.—Each eligible child shall receive care

coordination services (as defined in subsection (a)(1)) and hospice care (as so defined) through an eligible provider participating in a demonstration project, regardless of whether such individual has been determined to be terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(iv) AVAILABILITY OF INFORMATION ON PEDIATRIC PALLIATIVE CARE.—Each eligible child and the family of such child shall receive information and education in order to better understand the utility of pediatric palliative care.

(v) AVAILABILITY OF BEREAVEMENT COUNSELING.—Each family of an eligible child shall receive bereavement counseling, if appropriate.

(vi) ADDITIONAL BENEFITS.—Under the demonstration projects, the Secretary may include any other item or service—

(I) for which payment may otherwise be made under the medicare program; and

(II) that is consistent with the recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families''.

(C) PAYMENT.—

(i) ESTABLISHMENT OF PAYMENT METHODOLOGY.—The Secretary shall establish a methodology for determining the amount of payment for pediatric palliative care furnished under the demonstration projects that is similar to the methodology for determining the amount of payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) under section 1814(i) of such Act (42 U.S.C. 1395f(i)), except as provided in the following subclauses:

(I) AMOUNT OF PAYMENT.—Subject to subclauses (II) and (III), the amount of payment for pediatric palliative care shall be equal to the amount that would be paid for hospice care (as so defined), increased by an appropriate percentage to account for the additional costs of providing bereavement counseling and care coordination services (as defined in subsection (a)(1)).

(II) WAIVER OF HOSPICE CAP.—The limitation under section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) shall not apply with respect to pediatric palliative care and amounts paid for pediatric palliative care under this subparagraph shall not be counted against the cap amount described in such section.

(III) SEPARATE PAYMENT FOR COUNSELING SERVICES.—Notwithstanding section 1814(i)(1)(A) of the Social Security Act (42 U.S.C. 1395f(i)(1)(A)), the Secretary may pay for bereavement counseling as a separate service.

(ii) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization that provides health care items or services to an eligible child who is participating in a demonstration project.

(3) COVERAGE OF PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—Under the demonstration projects, the Secretary shall provide for a one-time payment on behalf of each eligible child who has not yet elected to participate in the demonstration project for services that are furnished by a physician who is either the medical director or an employee of an eligible provider participating in such a project and that consist of—

(A) an evaluation of the individual's need for pain and symptom management, including the need for pediatric palliative care;

(B) counseling the individual and the family of such individual with respect to the benefits of pediatric palliative care and care options; and

(C) if appropriate, advising the individual and the family of such individual regarding advanced care planning.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible providers; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—The Secretary shall accept proposals to furnish pediatric palliative care under the demonstration projects from any eligible provider at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) FACILITATION OF EVALUATION.—The Secretary shall design the demonstration projects to facilitate the evaluation conducted under subsection (e)(1).

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects in order—

(A) to determine the short-term and long-term costs and benefits of changing—

(i) hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program to children to include the pediatric palliative care furnished under the demonstration projects; and

(ii) the medicare program to permit eligible children to receive curative and palliative care simultaneously;

(B) to review the implementation of the demonstration projects compared to recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families'';

(C) to determine the quality and duration of palliative care for individuals who receive such care under the demonstration projects who would not be eligible to receive such care under the medicare program;

(D) whether any increase in payments for pediatric palliative care is offset by savings in other parts of the medicare program; and

(E) the projected cost of implementing the demonstration projects on a national basis.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

SEC. 202. PRIVATE SECTOR PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(2) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is—

(A) under 18 years of age;

(B) enrolled for health benefits coverage under an eligible health plan; and

(C) not enrolled under (or entitled to) benefits under a health plan described in paragraph (3)(C).

(3) ELIGIBLE HEALTH PLAN.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term ''eligible health plan'' means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)).

(B) TYPES OF PLANS INCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' includes the following health plans, and any combination thereof:

(i) A group health plan (as defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a))), but only if the plan—

(I) has 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7))); or

(II) is administered by an entity other than the employer who established and maintains the plan.

(ii) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iii) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iv) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy should be treated as a health plan).

(v) An employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers.

(vi) Health benefits coverage provided under a contract under the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(C) TYPES OF PLANS EXCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' does not include any of the following health plans:

(i) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(iii) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss et seq.).

(iv) The health care program for active military personnel under title 10, United States Code.

(v) The veterans health care program under chapter 17 of title 38, United States Code.

(vi) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1072(4) of title 10, United States Code.

(vii) The Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that provides health benefits coverage under an eligible health plan.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term under section 201(a)(4).

(6) PEDIATRIC PALLIATIVE CARE.—The term ''pediatric palliative care'' means services of the type to be furnished under the demonstration projects under section 201, including care coordination services (as defined in subsection (a)(1) of such section).

(7) PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—The term ''pediatric palliative care consultation services'' means services of the type described in section 201(c)(3).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality.

(b) NONMEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects under this section at the same time as the Secretary establishes the demonstration projects under section 201 and in accordance with the provisions of this subsection to demonstrate the provision of pediatric palliative care and pediatric palliative care consultation services to eligible children who are not entitled to (or enrolled for) coverage under the health plans described in subsection (a)(3)(C).

(2) PARTICIPATION.—

(A) ELIGIBLE ORGANIZATIONS.—The Secretary shall permit any eligible organization to participate in a demonstration project on a voluntary basis.

(B) ELIGIBLE CHILDREN.—Any eligible organization participating in a demonstration project shall permit any eligible child enrolled in an eligible health plan offered by the organization to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) PROVISION OF PEDIATRIC PALLIATIVE CARE AND CONSULTATION SERVICES.—Under a demonstration project, each eligible organization electing to participate in the demonstration project shall provide pediatric palliative care and pediatric palliative care consultation services to each eligible child who is enrolled with the organization and who elects to participate in the demonstration project.

(2) AVAILABILITY OF ADMINISTRATIVE GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall award grants to eligible organizations electing to participate in a demonstration project for the administrative costs incurred by the eligible organization in participating in the demonstration project, including the costs of collecting and submitting the data required to be submitted under subsection (d)(4)(B).

(B) NO PAYMENT FOR SERVICES.—The Secretary may not pay eligible organizations for pediatric palliative care or pediatric palliative care consultation services furnished under the demonstration projects.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible organizations; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—

(A) IN GENERAL.—The Secretary shall accept proposals to furnish pediatric palliative care and pediatric palliative care consultation services under the demonstration projects from any eligible organization at such time, in such manner, and in such form as the Secretary may require.

(B) APPLICATION FOR ADMINISTRATIVE GRANTS.—If the eligible organization desires to receive an administrative grant under subsection (c)(2), the proposal submitted under subparagraph (A) shall include a request for the grant, specify the amount requested, and identify the purposes for which the organization will use any funds made available under the grant.

(4) COLLECTION AND SUBMISSION OF DATA.—

(A) COLLECTION.—Each eligible organization participating in a demonstration project shall collect such data as the Secretary may require to facilitate the evaluation to be completed under subsection (e)(1).

(B) SUBMISSION.—Each eligible organization shall submit the data collected under subparagraph (A) to the Secretary at such time, in such manner, and in such form as the Secretary may require.

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS AND ELIGIBLE ORGANIZATIONS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress and each eligible organization participating in a demonstration project on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress and each eligible organization participating in a demonstration project on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $2,500,000, to carry out the demonstration projects under section 201; and

(2) $2,500,000, to carry out the demonstration projects under section 202, including for awarding grants under subsection (c)(2) of such section.

(b) AVAILABILITY.—Sums appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.

Mr. DODD. Mr. President, I come to the floor today, along with my good friend Senator MIKE DEWINE, to introduce the Compassionate Care for Children Act of 2005. This important legislation is designed to greatly improve the quality of care provided to terminally ill children and their loved ones, as well as the training of those that provide for their medical care.

The subject of childhood illness is a difficult one. However, for children facing a serious illness and their families, it is a subject that must be examined. Tragically, we know that close to 55,000 children under the age of 19 die each year. Some are lost to accidents. Many are lost suddenly to complications related to prematurity. However, many other children are diagnosed with life-threatening conditions and begin a battle that, tragically, many will eventually lose.

For these children and their families, palliative care is often the only way to ease their great burden. Very broadly, palliative care seeks to prevent or relieve the physical and emotional distress produced by a life-threatening condition or its treatment, to help diagnosed children and their families live as normal a life as possible, and to provide accurate and timely information to ease decisionmaking. And while many view palliative care as necessary for only the terminally ill, any child with a serious illness and their family would benefit greatly from its broad scope of services.

Sadly, determining how best to care for a child facing a life-threatening or terminal illness requires an expertise that too few healthcare professionals possess. Too often, healthcare professionals serving a child with a life-threatening condition are at a loss as to how best ease the child's pain, comfort the child's family and loved ones, and coordinate the range of services required.

The legislation we introduce today would seek to close this knowledge gap by authorizing $35 million annually to provide for research and training related to childhood palliative care. Specifically, the legislation will authorize the Secretary of Health and Human Services to award grants to health care providers and health care institutions to expand pediatric palliative care programs, to research new initiatives in pediatric palliative care—such as issues related specifically to pain management for children—and to provide training to healthcare providers serving children requiring pediatric palliative care services.

According to Children's Hospice International, close to one million children are seriously ill with a variety of progressive afflictions at any one time. Parents of these children face a multitude of heart-wrenching decisions related to the appropriate course of treatment for their children. Among the choices available to some parents is one that I believe no parent should ever be forced to make. Under current law, seriously ill children are not eligible to receive simultaneous curative and palliative care.

Imagine forcing a parent to choose between seeking a cure for their seriously ill child or services designed to ease their child's burden. Again, no parent should ever be required to make

this choice and under the legislation we introduce today, parents will no longer be forced to decide whether to forgo curative treatment options for their children in order to receive palliative care. In eliminating this unnecessary and cruel requirement, the Compassionate Care for Children Act establishes a demonstration program under Medicare that will encourage the development of more coordinated model systems of curative and palliative care.

This legislation would also ensure that seriously ill children treated under the demonstration program would not be subject to the so-called 6-month rule, a regulation currently in place that requires a physician's determination that an ill child has a life expectancy of 6 months or less in order to receive hospice services. As we all know, children are not simply little adults. Children's bodies react differently than adults to the onset of disease and various treatment options, making this determination possibly dangerously inaccurate.

Lastly, I thank the legislation's chief sponsors in the House of Representatives, DEBORAH PRYCE and JOHN MURTHA. Representatives PRYCE and MURTHA have been tireless advocates on behalf of seriously ill children and their devotion to easing the struggle of these children and their families is truly admirable. I look forward to continuing working with my colleagues from the House to advance the Compassionate Care for Children Act in the 109th Congress.

Mr. President, when Senator DEWINE and I first introduced this legislation in the last Congress, we were joined by members of the National Childhood Cancer Foundation. Each year this valuable organization sponsors ''Conquer Kids Cancer Gold Ribbon Days,'' an event that brings cancer patients, families, care givers and researchers from across the Nation to the District to lobby the Congress for increased resources to battle childhood cancers. At this event we heard from dozens of children and families from across this Nation that have battled serious illness. It is because of struggles like theirs that we are here today at the outset of an effort to better serve seriously ill children and those who love and care for them.

I know that I can say with confidence that we all wish for the day when no child fell ill to serious disease. Until that day comes, the Compassionate Care for Children Act offers children battling illness and their families the hope of eased pain, expertise in treatment, and informed decisions. They deserve no less. I urge all of my colleagues to support this important legislation.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 175. A bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BROWNBACK. Mr. President, I am proud to join with my colleague from the great State of Kansas, Senator PAT ROBERTS, and introduce the Bleeding Kansas National Heritage Area Act. I appreciate the Senator's hard work and passion on this bill. Likewise, I commend Representative JIM RYAN who authored this bill in the House of Representatives who, like Senator ROBERTS and I, worked tirelessly to pass this bill last Congress. And finally, I would like to thank Senator DOMENICI, Chairman of the Energy and Natural Resources Committee and Senator THOMAS, Subcommittee Chair, National Parks, for working with me in the 108th Congress. Through their hard work and the work of their staff, the Bleeding Kansas National Heritage Area Act passed the Senate. It is my hope that we will once again be able to see this bill pass the Senate but also pass the House of Representatives in the 109th Session.

The great story of Kansas can be summed up in the, State motto, ''Ad Astra per Aspera,'' to the stars through difficulties. Though only a short phrase comprised of four words, the meaning and passion behind the Kansas State motto are as profound as they are descriptive of a State that though smaller than some, was a catalyst for racial equality in this Nation.

From inception, Kansas was born in controversy—a controversy that helped to shape a nation and end the egregious practice of chattel slavery that brutalized an entire race of individuals in this country. I cannot think of a more noble or more important contribution provided to our Nation—though arguably it was one of the most turbulent and darkest hours of our history. Without this struggle however, the battle to end persecution and transform our country into a symbol of freedom and democracy throughout the world would not have been realized.

Last year, 2004, marked the sesquicentennial of the signing of the Kansas-Nebraska bill which repealed the Missouri compromise, allowed States to enter into the Union with or without slavery. This piece of legislation, which was passed in May 1854, set the stage for what is now referred to as, ''Bleeding Kansas.'' During this time, our State, then a territory, was thrown into chaos with Kansans fighting passionately to ensure that the territory would inter the Union as a free State and not condone or legalize slavery in any capacity. At the end of a very difficult and bloody struggle, Kansas entered the Union as a free State and helped to spark the issue of slavery on a national level. However, Kansas' contributions to the realization of freedom in this Nation did not stop with the Kansas-Nebraska Act.

Keeping true to our motto, to the stars through difficulties, Kansas opened up her arms to a newly freed people after the Civil War ended. Many African Americans looked to Kansas for solace and prosperity when the South was still an uncertain place. Perhaps one of the best examples of Ad Astra per Aspera was the founding of a town in Kansas by African Americans coming to our State to begin their life of freedom and prosperity.

Founded in 1877, Nicodemus, which was named after a legendary slave who purchased his freedom, is the most recognized historically black town in Kansas. Nicodemus was established by a group of colonists from Lexington, KY, and grew to a population of 600 by 1879. However, Nicodemus is not the only Kansas contribution that shaped a more tolerant Nation. Kansas was also one of the first States to house an African American military regiment in the 1800s, the Buffalo Soldiers.

The Buffalo Soldiers were, and still are, considered one of the most distinguished and revered African American military regiments in our Nation's history. One of those regiments, the 10th Cavalry, was stationed at Fort Leavenworth, KS. In July 1866, Congress passed legislation establishing two cavalry and four infantry regiments that were to be solely comprised of African Americans. The mounted regiments were the 9th and 10th Cavalries, soon nicknamed ''Buffalo Soldiers'' by the Cheyenne and Comanche tribes. Lt. Henry O. Flipper, the first African American to graduate from the United States Military Academy in 1877 and commanded the 10th Cavalry unit where he proved that African Americans possessed the quality of military leadership. Until the early 1890s, the Buffalo Soldiers constituted 20 percent of all cavalry forces on the American frontier. Their invaluable service on the western frontier still remains one of the most exemplary services performed by a regiment in the U.S. Army.

These are just a few examples of why I am pleased to join with my colleague from Kansas, Senator PAT ROBERTS, today and introduce the Bleeding Kansas National Heritage Area Act, which will not only serve to educate Kansans but the Nation on the important contributions—and in many cases the sacrifices—made in order to establish this proud state. The creation of this heritage area will ensure that this legacy is not only commemorated but celebrated on a national level.

Specifically, the Bleeding Kansas National Heritage Area Act will designate 24 counties in Kansas as the ''Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.'' Each of these counties will be eligible to apply for the heritage area grants administered by the National Park Service.

The heritage area will add to local economies within the State by increasing tourism and will encourage collaboration between interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the heritage area. Finally, the bill protects private property owners by requiring that

they provide in writing consent to be included in any request before they are eligible to receive, Federal funds from the heritage area. The bill also authorizes $10,000,000 over a 10-year period to carry out this act and states that not more than $1,000,000 may be appropriated to the heritage area for any fiscal year.

Kansas has much to be proud of in their history and it is vital that this history be shared on a national level. By establishing the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area, we will ensure that this magnificent legacy lives on and serves as a stirring reminder of the sacrifices and triumphs that created this Nation—a Nation united in freedom for all people.

Mr. ROBERTS. Mr. President, I am pleased to once again introduce, along with my distinguished colleague Senator BROWNBACK, a bill designating the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area. This project, which we hope will receive the congressional recognition it deserves, has joined communities throughout eastern Kansas in an effort to document, preserve, and celebrate Kansas' significant role in the political struggle that led to the Civil War and in other historic struggles for equality that took place in our State.

National Heritage Areas are places where natural, cultural, historic, and recreational resources combine to form complete and distinct landscape. The State of Kansas, which has a proud heritage and compelling story, will benefit from this national designation that helps preserve and celebrate America's defining landscapes. By enhancing and developing historic sites throughout eastern Kansas, we will ensure that the traditions that evolved there are preserved.

During the Civil War, William Quantrill, the head of an infamous gang of Confederate sympathizers, led a raid on Lawrence, KS. Though far from the main campaigns, this massacre caused Bleeding Kansas to become a prominent symbol in the fight for the freedom of all people, and the territory would become a battleground over the question of slavery. After these attacks, the abolitionist Senator Charles Sumner delivered his famous speech called ''The Crime Against Kansas,'' in which he brought the escalating situation into sharper focus for the nation.

Almost 100 years later, Kansas became the battleground once again, as Oliver L. Brown fought to prove that separate among the people of this great Nation is not equal. In fact, we will soon celebrate the 50th anniversary of the Brown v. Topeka Board of Education Supreme Court decision, which was a landmark victory in the civil rights movement. These are only two of the historic chapters that will make up this heritage area, marking an important era in our Nation.

I commend the Lawrence City Commission, the Douglas County Commission, and the Lawrence Chamber of Commerce, who have worked diligently on this project for over 2 years. We have a great opportunity to pass this important piece of legislation during the 109th Congress, and I encourage the Senate's swift consideration.

By Mr. DOMENICI (for himself Mr. BINGAMAN, Mr. ALLARD, Mr. BAUCUS, and Mr. ENSIGN):

S. 177. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to reintroduce a piece of legislation that is of paramount importance to the State of New Mexico and many other western States. This bill will address the mounting pressures brought on by the growing demands of a diminishing water supply throughout the west.

The bill that I am introducing today authorizes the Department of the Interior acting through the Bureau of Reclamation to establish a series of research and demonstration programs to help eradicate non-native species on rivers in the Western United States. This bill will help develop the scientific knowledge and experience base needed to build a strategy to control these invasive thieves. In addition to projects that could benefit the Pecos and the Rio Grande, the bill allows other States in the west such as Texas, Colorado, Utah, California and Arizona to develop and participate in projects as well.

Allow me to explain the importance of this bill. A water crisis has ravaged the west for more than five years. Drought conditions have expanded throughout the Western United States. Snow packs have been continuously low, causing severe drought conditions.

The presence of invasive species compounds the drought situation in many states. For instance, New Mexico is home to a vast amount of salt cedar. Salt cedar is a water-thirsty non-native tree that continually strips massive amounts of water out of New Mexico's two predominant water supplies—the Pecos and the Rio Grande rivers.

We have already had numerous catastrophic fires in our Nation's forests including the riparian woodland—the Bosque—that runs through the heart of New Mexico's most populous city. One of the reasons this fire ran its course through Albuquerque was the presence of large amounts of Salt cedar, a plant that burns as easily as it consumes water.

Estimates show that one mature Salt cedar tree can consume as much as 200 gallons of water per day; over the growing season that's 7 acre feet of water for each acre of Salt cedar. In addition to the excessive water consumption, Salt cedars increase fire, increase river channelization and flood frequency, decrease water flow, and increase water and soil salinity along the river. Every problem that drought causes is exacerbated by the presence of Salt cedar.

I know that the seriousness of the water situation in New Mexico becomes more acute every single day. This drought has affected every New Mexican and nearly everyone in the west in some way. Wells are running dry, farmers are being forced to sell livestock, many of our cities are in various stages of conservation and many, many acres have been charred by fire.

The drought and the mounting legal requirements on both the Pecos and Rio Grande rivers are forcing us toward a severe water crisis in New Mexico. Indeed, every river in the inter-mountain west seems to be facing similar problems. Therefore, we must bring to bear every tool at our disposal for dealing with the water shortages in the west.

Solving such water problems is one of my top priorities and I assure this Congress that this bill will receive prompt attention by the Energy and Natural Resources Committee. Controlling water thirsty invasive species is one significant and substantial step in the right direction for the dry lands of the west.

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. 177

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 ''Salt Cedar and Russian Olive Control Demonstration Act''.

SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this Act as the ''Secretary''), acting through the Commissioner of Reclamation and in cooperation with the Secretary of Agriculture and the Secretary of Defense, shall carry out a salt cedar (Tamarix spp) and Russian olive (Elaeagnus angustifolia) assessment and demonstration program—

(1) to assess the extent of the infestation by salt cedar and Russian olive trees in the western United States;

(2) to demonstrate strategic solutions for—

(A) the long-term management of salt cedar and Russian olive trees; and

(B) the reestablishment of native vegetation; and

(3) to assess economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary shall complete an assessment of the extent of salt cedar and Russian olive infestation on public and private land in the western United States.

(2) REQUIREMENTS.—In addition to describing the acreage of and severity of infestation by salt cedar and Russian olive trees in the western United States, the assessment shall—

(A) consider existing research on methods to control salt cedar and Russian olive trees;

(B) consider the feasibility of reducing water consumption by salt cedar and Russian olive trees;

(C) consider methods of and challenges associated with the revegetation or restoration of infested land; and

(D) estimate the costs of destruction of salt cedar and Russian olive trees, related biomass removal, and revegetation or restoration and maintenance of the infested land.

(c) LONG-TERM MANAGEMENT STRATEGIES.—

(1) IN GENERAL.—The Secretary shall identify and document long-term management and funding strategies that—

(A) could be implemented by Federal, State, and private land managers in addressing infestation by salt cedar and Russian olive trees; and

(B) should be tested as components of demonstration projects under subsection (d).

(2) GRANTS.—The Secretary shall provide grants to institutions of higher education to develop public policy expertise in, and assist in developing a long-term strategy to address, infestation by salt cedar and Russian olive trees.

(d) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall establish a program that selects and funds not less than 5 projects proposed by and implemented in collaboration with Federal agencies, units of State and local government, national laboratories, Indian tribes, institutions of higher education, individuals, organizations, or soil and water conservation districts to demonstrate and evaluate the most effective methods of controlling salt cedar and Russian olive trees.

(2) PROJECT REQUIREMENTS.—The demonstration projects under paragraph (1) shall—

(A) be carried out over a time period and to a scale designed to fully assess long-term management strategies;

(B) implement salt cedar or Russian olive tree control using 1 or more methods for each project in order to assess the full range of control methods, including—

(i) airborne application of herbicides;

(ii) mechanical removal; and

(iii) biocontrol methods, such as the use of goats or insects;

(C) individually or in conjunction with other demonstration projects, assess the effects of and obstacles to combining multiple control methods and determine optimal combinations of control methods;

(D) assess soil conditions resulting from salt cedar and Russian olive tree infestation and means to revitalize soils;

(E) define and implement appropriate final vegetative states and optimal revegetation methods, with preference for self-maintaining vegetative states and native vegetation, and taking into consideration downstream impacts, wildfire potential, and water savings;

(F) identify methods for preventing the regrowth and reintroduction of salt cedar and Russian olive trees;

(G) monitor and document any water savings from the control of salt cedar and Russian olive trees, including impacts to both groundwater and surface water;

(H) assess wildfire activity and management strategies;

(I) assess changes in wildlife habitat;

(J) determine conditions under which removal of biomass is appropriate (including optimal methods for the disposal or use of biomass); and

(K) assess economic and other impacts associated with control methods and the restoration and maintenance of land.

(e) DISPOSITION OF BIOMASS.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall complete an analysis of economic means to use or dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(2) REQUIREMENTS.—The analysis shall—

(A) determine conditions under which removal of biomass is economically viable;

(B) consider and build upon existing research by the Department of Agriculture and other agencies on beneficial uses of salt cedar and Russian olive tree fiber; and

(C) consider economic development opportunities, including manufacture of wood products using biomass resulting from demonstration projects under subsection (d) as a means of defraying costs of control.

(f) COSTS.—

(1) IN GENERAL.—With respect to projects and activities carried out under this Act—

(A) the assessment under subsection (b) shall be carried out at a cost of not more than $4,000,000;

(B) the identification and documentation of long-term management strategies under subsection (c) shall be carried out at a cost of not more than $2,000,000;

(C) each demonstration project under subsection (d) shall be carried out at a Federal cost of not more than $7,000,000 (including costs of planning, design, implementation, maintenance, and monitoring); and

(D) the analysis under subsection (e) shall be carried out at a cost of not more than $3,000,000.

(2) COST-SHARING.—

(A) IN GENERAL.—The assessment under subsection (b), the identification and documentation of long-term management strategies under subsection (c), a demonstration project or portion of a demonstration project under subsection (d) that is carried out on Federal land, and the analysis under subsection (e) shall be carried out at full Federal expense.

(B) DEMONSTRATION PROJECTS CARRIED OUT ON NON-FEDERAL LAND.—

(i) IN GENERAL.—The Federal share of the costs of any demonstration project funded under subsection (d) that is not carried out on Federal land shall not exceed—

(I) 75 percent for each of the first 5 years of the demonstration project; and

(II) for the purpose of long-term monitoring, 100 percent for each of such 5-year extensions as the Secretary may grant.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of a demonstration project that is not carried out on Federal land may be provided in the form of in-kind contributions, including services provided by a State agency or any other public or private partner.

(g) COOPERATION.—In carrying out the assessment under subsection (b), the demonstration projects under subsection (d), and the analysis under subsection (e), the Secretary shall cooperate with and use the expertise of Federal agencies and the other entities specified in subsection (d)(1) that are actively conducting research on or implementing salt cedar and Russian olive tree control activities.

(h) INDEPENDENT REVIEW.—The Secretary shall subject to independent review—

(1) the assessment under subsection (b);

(2) the identification and documentation of long-term management strategies under subsection (c);

(3) the demonstration projects under subsection (d); and

(4) the analysis under subsection (e).

(i) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit to Congress an annual report that describes the results of carrying out this Act, including a synopsis of any independent review under subsection (h) and details of the manner and purposes for which funds are expended.

(2) PUBLIC ACCESS.—The Secretary shall facilitate public access to all information that results from carrying out this Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 2006; and

(2) $15,000,000 for each subsequent fiscal year.

By Mr. DOMENICI (for himself, and Mr. BINGAMAN):

S. 178. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, water is the life's blood for New Mexico. When the water dries up in New Mexico, so will many of its communities. As such, the scarcity of water in New Mexico is a dire situation. Unfortunately, the New Mexico Office of the State Engineer, NM OSE, lacks the tools necessary to undertake the Herculean task of effectively managing New Mexico's water resources.

Today, I introduce legislation that would allow New Mexico to make informed decisions about its limited water resources.

In order to effectively perform water rights administration, as well as comply with New Mexico's compact deliveries, the State Engineer is statutorily required to perform assessments and investigations of the numerous stream systems and ground water basins located within New Mexico. However, the NM OSE is ill equipped to vigorously and comprehensively undertake the daunting but critically important task of water resource planning. At present, the NM OSE lacks adequate resources to perform necessary hydrographic surveys and data collection. As such, ensuring a future water supply for my home State requires that Congress provide the NM OSE with the resources necessary to fulfill its statutory mandate.

The bill I introduce today would create a standing authority for the State of New Mexico to seek and receive technical assistance from the Bureau of Reclamation and the United States Geological Survey. It would also provide the NM OSE the sum of $12.5 million in Federal assistance to perform hydrologic models of New Mexico's most important water systems. This bill would provide the NM OSE with the best resources available when making crucial decisions about how best to preserve our limited water stores.

Ever decreasing water supplies in New Mexico have reached critical levels and require immediate action. The Congress cannot sit idly by as water shortages cause death to New Mexico's communities. I hope the Senate will give this legislation its every consideration.

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. 178

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 ''New Mexico Water Planning Assistance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2006 through 2010.

By Mrs. FEINSTEIN:

S. 179. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Sierra National Forest Land Exchange Act of 2005, the companion to legislation authored by Representative RADANOVICH.

This legislation would assist the Boy Scout Sequoia Council in taking ownership of part of the land on which Camp Chawanakee sits. By authorizing the transfer of ownership of part of the camp land to the Boy Scouts, we will help make Chawanakee a permanent member of the Fresno Community, and an asset that youth for generations to come can enjoy and benefit from.

Specifically, the bill would authorize a land exchange between the Federal Government and a private landowner as follows:

The landowner would receive 160 acres, 145 of which are submerged, on Shaver Lake. In exchange, the Forest Service would receive $50,000 and an 80 acre inholding that the landowner owns in the Sierra National Forest.

The Forest Service transfer to the landowner is conditional upon his conveyance of the parcel to the Boy Scouts within 4 months to benefit Camp Chawanakee.

Over the years, well over 250,000 youths and leaders from California, Nevada and Arizona have attended the Boy Scouts' Camp Chawanakee. Recently, summer camp attendance has exceeded 3,000 Scouts. While other camps in California have closed in recent years, Camp Chawanakee has grown to become one of the premier Scouting camps in the Nation.

I applaud Congressman GEORGE RADANOVICH's commitment to this issue and urge my colleagues to support 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. 179

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 ''Sierra National Forest Land Exchange Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½ SE¼, Mt. Diablo Meridian, California.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of $50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) ACCEPTABLE TITLE.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be $200,000 and the value of the Federal land shall be deemed to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4

have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) PURPOSE.—A hydroelectric project, licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary.

(b) EASEMENT REQUIRED.—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) REQUIRED TERMS AND CONDITIONS.—The easement granted under this section shall provide the following: ''The United States of America, hereinafter called 'Grantor,' pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee,' all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee.''.

SEC. 5. RIGHT OF FIRST OFFER FOR SUBSEQUENT CONVEYANCE OF FEDERAL LAND.

(a) RIGHT OF FIRST OFFER.—As a condition on the conveyance of the Federal land under section 3 and its reconveyance to the Sequoia Council of the Boy Scouts of America, as required by section 3(d)(1), the Secretary shall require that the Council agree to provide the owner of the easement granted under section 4 the right of first offer to obtain the Federal land, or any portion thereof, that the Council ever proposes to sell, transfer, or otherwise convey.

(b) NOTICE AND OFFER.—If the Council proposes to sell, transfer, or otherwise convey the Federal land or a portion thereof, the Council shall give the easement owner written notice specifying the terms and conditions on which the conveyance is proposed and offering to convey to the easement owner, on the same terms and conditions, the Federal land or the portion thereof proposed for conveyance.

(c) ACCEPTANCE OR REJECTION OF OFFER.—Within 90 days after the easement owner receives the notice required by subsection (b) and all available documents necessary to perform reasonable due diligence on the proposed conveyance, the easement owner shall either accept or reject the offer. If the easement owner accepts the offer, the closing of the sale shall be governed by the terms of the offer in the notice.

(d) EFFECT OF REJECTION.—If the hydropower easement owner rejects an offer under subsection (b) or fails to respond to the offer before the expiration of the 90-day period provided in subsection (c), the Council may convey the property covered by the notice to any other person on the same terms and conditions specified in the notice. If those terms and conditions are subsequently altered in any way, then the notice and offer shall again be made to the easement owner under subsection (b). The rejection by the easement owner of one or more of such offers shall not affect its right of first offer as to any other proposed conveyance by the Council.

By Mr. ENSIGN:

S. 181. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise today to offer legislation to correct an inequity with the United States Tax Code that affects thousands of taxpayers every year. The bill I am offering is the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act which will correct an injustice for owners of ready mixed concrete and sanitation trucks.

Our Tax Code imposes a Federal tax on fuel sold for use in highway vehicles. This makes sense because vehicles that use our roads cause wear and tear. The money raised from the fuel tax goes directly into the Highway Trust Fund and is used for road repair and maintenance. The Code provides fuel tax exemption for ''off highway'' use so that fuel used by non-highway vehicles is not taxed. The principle is simple. Fuel used to move vehicles on our roads is taxed; fuel used for ''off-road'' purposes is not.

Mixed concrete and sanitation trucks are ''dual-use'' vehicles. In addition to consuming fuel for roadway travel, they use fuel for a secondary purpose such as turning the mixer drum or lifting a dumpster and compacting trash. This is known as a ''Power Takeoff Function.'' In the past, this function was performed by a second fuel-driven engine. But times have changed. Today, sanitation and cement trucks are more efficient and use one engine for both tasks. Today's vehicles create the situation where technology is in the fast lane but our tax system lags behind in the slow lane.

The environment benefits with the use of one engine instead of two as a result of decreased fuel use and exhaust emissions. Using one engine reduces the truck's weight which means these trucks can haul more cargo without violating weight restrictions. This decreases the number of trips these trucks must take which results in less wear and tear on the roads.

Until recently, owners of dual-use vehicles would estimate the amount of fuel taxes they paid for fuel related to off-road use and would claim a tax credit for that amount. The Tax Code does not recognize ''dual-use'' vehicles but recent IRS regulations support the idea that the fuel tax did not apply to fuel used for non-highway purposes. Despite the regulations, the IRS argued in a recent tax court case that estimating fuel consumption was too difficult to administer. In other words, the IRS dismissed its own regulations. Unfortunately for taxpayers who own dual use vehicles, the tax court agreed with the IRS's position. This decision has had the effect of penalizing efficiency, conservation and good environmental practices.

Mr. President, by establishing an annual $250.00 per vehicle tax credit my bill resolves this inequity. This legislation should not be seen as creating a new tax break. It restores tax fairness to owners of dual-use vehicles without resorting to an elaborate fuel measurement scheme that would create administrative difficulties. The amount of the tax credit is less than the estimated amount of fuel taxes paid for

non-highway purposes for these vehicles. In order to receive this credit, a vehicle would have to be registered, licensed and insured in the vehicle owner's respective State. This is a measure that will simply restore fairness to a situation involving the fuel tax where Congress never intended the tax to apply in the first place.

By Mr. BENNETT:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNET. Mr. President, I rise to introduce the Uintah Research and Curatorial Center Act.

This bill would authorize the National Park Service, NPS, to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum, Museum in Vernal UT. The facility would be co-located to with the museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

This is not the first time I have introduced this legislation, which was reported favorably and passed by this body in October 2004. Unfortunately there was not enough time before the end of the legislative session for this bill to be considered by the House. It is my hope that this legislation can be addressed by both bodies during the 109th Congress. With this legislation, I believe we can proactively address the Dinosaur National Monument's deteriorating storage facilities, before there is irreparable damage to the resources stored there.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts.

At present, Dinosaur National Monument has more that 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collections up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the State's museum will also save taxpayer dollars. The State of Utah is nearing completion of their new Field House Museum at a cost to the State of $6.5 million. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the State museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the city of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately $1.5 million. The Park Service estimates the total cost of adding the research and curatorial center to be $8.7 million.

Other Federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

Mr. President, it is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the city of Vernal, and Uintah County, of which this Congress ought to applaud and support.

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

S. 183. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join once again with my good friend Senator KENNEDY to introduce the Family Opportunity Act.

The Family Opportunity Act provides states the option to allow families with disabled children to buy into the Medicaid program.

Mr. President, Senator KENNEDY and I have tried to get the Family Opportunity Act enacted for many years.

The legislation has been scaled back dramatically as we have attempted to make the bill less costly. For example, the original proposal, introduced in the 106th Congress would have set a family's eligibility at 600 percent of the Federal Poverty Level, would have had an enhanced administrative match and provided coverage for children up to age 21.

The version we are introducing today sets the family's eligibility at 300 percent of Federal Poverty Level, no administrative match and provides coverage for children up to age 18.

I am very hopeful that these modifications will ensure that the Family Opportunity Act can be enacted this year.

The legislation is consistent with the ''compassionate conservative'' agenda advanced by the President and the Congressional leadership.

It helps families stay together. In some cases, in order to provide for the special needs of their child, parents face the unbearable prospect of having to put their child in an out of home placement just to keep their child's access to Medicaid covered services.

Some of these parents have to refuse jobs, pay raises and overtime in order to preserve access to Medicaid for their child with disabilities. These parents are hard working taxpayers.

There is precedent for allowing individuals with disabilities to continue to have access to the services that Medicaid provides while enhancing their income and self-esteem through the dignity and the contribution to society that one attains through engagement in the world of work. It only makes sense to extend these principles to adults with a child with a disability.

The Family Opportunity Act is an option for States. It is not a Federal mandate. Additionally, it encourages the use of private employer sponsored coverage. Hopefully a participating family has some private insurance. The Family Opportunity Act would allow states to offer ''wrap around'' services that the employer sponsored coverage does not provide, such as physical therapy, mental health services and customized durable medical equipment.

Children with significant disabilities need these services in order to properly develop into responsible and contributing members of society.

Additionally, the legislation would provide for the establishment of demonstration projects regarding home and community based alternatives to psychiatric residential treatment facilities for children.

Under current law, states are not allowed to offer home and community based services as an alternative to inpatient psychiatric hospitals. The legislation proposed by Senator KENNEDY and myself would help realize this goal for these children.

The Family Opportunity Act would make progress in correcting this omission by allowing for demonstration projects to test the effectiveness in improving or maintaining a child's functional level and cost-effectiveness of providing coverage of home and community based alternatives to psychiatric residential treatment for children in the Medicaid program.

Finally, the Family Opportunity Act would provide for the development of Family to Family Health Information Centers which help guide families

through the maze of programs and networks associated with the challenges of raising a child with a disability.

The Family Opportunity Act is a good bill. For many years it has garnered the support of a majority of Senators. It has the support of numerous family and child advocacy groups.

This legislation is pro-family, prowork and pro-compassion. I urge the quick enactment of the Family Opportunity Act.

Mr. KENNEDY. Mr. President, it is an honor once again to join my colleague Senator GRASSLEY in introducing the Family Opportunity Act to remove the health care barriers for children with disabilities that so often prevent families from staying together and staying employed.

We know that families of disabled and special needs children continue to struggle to help their children learn to live independently and become fully contributing members of their communities.

Eight percent of children in this country have significant mental or physical disabilities, and many of them do not have access to the critical health services they need to improve their lives and prevent deterioration of their health. To obtain needed health services for their children, families are often forced to become poor themselves, stay poor, put their children in out of home placements, or even give up custody of their children so that the children can qualify for the broad health coverage available under Medicaid.

In a recent survey of 20 States, families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family so that their child can stay eligible for Medicaid through the Social Security Income Program.

Today we are reintroducing legislation intended to close the health care gap for the Nation's most vulnerable population, and enable disabled children and their families to be equal partners in the American dream.

As President Bush said in his ''New Freedom Initiative'' on February 1, 2001, ''Too many Americans with disabilities remain trapped in bureaucracies of dependence, and are denied the access necessary for success and we need to tear down these barriers''.

The Family Opportunity Act will eliminate the unfair barriers that deny needed health care to so many disabled and special needs children.

It makes health insurance coverage more widely available for children with significant disabilities, through opportunities to buy-in to Medicaid at an affordable rate.

It allows States to develop a demonstration program to provide needed Medicaid services to children with psychiatric illnesses, instead of limiting such coverage to a residential or institutional setting.

It establishes Family to Family Information Centers in each State to help families with special needs children.

The enactment of the Work Incentives Improvement Act of 1999 demonstrated the commitment of Congress to do all we can to enable people with disabilities to lead independent and productive lives. It is time for Congress to show that same commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation and give disabled children and their families across the country a genuine opportunity to fulfill their dreams and fully participate in the social and economic mainstream of the Nation.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. HAGEL, Mr. DURBIN, and Mr. DAYTON):

S. 185. A bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan; to the Committee on Armed Services.

Mr. NELSON of Florida. Mr. President, on behalf of myself and Senators CORZINE, HAGEL, DURBIN and DAYTON, I am honored to introduce legislation today that we are convinced is necessary to fix a long-standing problem in our military survivors benefits system.

The system in place right now, even with the important changes we have made recently, does not take care of our military widows and surviving children the way it should. We should act to correct this in this session.

I have sought and found inspiration on this from Holy Scripture. In fact, a simple yet powerful passage in the Book of Isaiah captures so much of what we are all about as a Nation theses days and what this legislation is trying to do.

In Isaiah we are told, ''Learn to do good. Seek justice. Help the oppressed.'' And then we are admonished to, ''Defend the orphan. Fight for the rights of widows.''

Also in the first chapter of James, verse 27 we are told that in God's eyes the true measure of our faith is to look after orphans and widows in their distress.

This is powerful and clear direction that speaks to our hearts.

Last year, under Senator REID's leadership and at the Senate's insistence, the Defense authorization bill corrected a long-standing inequity by allowing 100-percent disabled military retirees to receive concurrently their full retired pay and disability compensation.

That correction in law was long overdue and we need to continue to work to extend this change to include retirees with lower disability ratings.

But there is another related injustice that needs to be addressed. The legislation that we offer today will extend the same protection of benefits to the widows and orphans of our 100-percent disabled military retirees and those who die on active duty.

Back in 1972, Congress established the military survivors' benefits plan—or SBP—to provide retirees' survivors an annuity to protect their income. This benefit plan is a voluntary program purchased by the retiree or issued automatically in the case of service members who die while on active duty. Retired service members pay for this benefit from their retired pay. Then upon their death, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity.

Surviving spouses or dependent children of 100-percent service-connected disabled retirees or those who die on active duty are also entitled to dependency and indemnity compensation from the Veterans' Administration.

But the annuity paid by the survivors' benefits plan and received by a surviving widow or a child is reduced by the amount of the dependency and indemnity compensation received from the VA.

I know a little something about insurance and income security plans. And I don't know of any other annuity program in the government or private sector that is permitted to offset, terminate, or reduce their payments because of disability payments a beneficiary may receive from another plan or program.

The legislation that we are proposing today also makes effective immediately a change to the military SBP program that we enacted in 1999. We have already agreed that military retirees who have reached the age of 70 and paid their SBP premiums for 30 years should stop paying a premium. But we delayed the effective date for this relief until 2008. We should not delay their relief any further.

The United States owes its very existence to generations of soldiers, sailors, airmen, and Marines who have sacrificed throughout our history to keep us free. The sacrifices of today are no less important to American liberty or tragic when a life is lost in the defense of liberty everywhere.

We owe them and those they leave behind a great debt.

As Abraham Lincoln instructed us, ours is an obligation ''to care for him who shall have borne the battle, and for his widow, and for his orphan.''

Too often we fall short on this care. We must meet this obligation with the same sense of honor as was the service they and their families have rendered.

We will continue to work to do right by those who have given this Nation their all, and especially for the loved ones they may leave to our care.

I appreciate the cosponsorship of my colleagues—Senators CORZINE, HAGEL, DURBIN and DAYTON—and look forward

to working with everyone in the days ahead.

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. 185

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 ''Military Retiree Survivor Benefit Equity Act of 2005''.

SEC. 2. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after ''to whom section 1448 of this title applies'' the following: ''(except in the case of a death as described in subsection (d) or (f) of such section)''; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: ''The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 3. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2005''.

Mr. CORZINE. Mr. President, I rise today to announce the introduction of the Military Retiree Survivor Benefit Equity Act of 2005. This bill is a major step forward in making our military's Survivor Benefit Program fairer, more equitable, and more in keeping with our Nation's promise to our service members and their families. The bill combines two important fixes to the SBP. The first corrects a serious inequity in SBP that currently requires over a hundred thousand older military survivors to pay extra into the system for the same benefits as more recent enrollees. I have been fighting to fix this problem since the last Congress and am confident that this year we will succeed in providing basic fairness to these survivors.

This bill also eliminates the dollar-for-dollar deduction of the dependency indemnity compensation, DIC, which the VA pays to survivors, from SBP annuities. This policy is effectively a tax on military survivors at a time when so many of our brave men and women in uniform are dying in Iraq and their families are struggling to get by. Senator NELSON has long fought to eliminate this unfairness, and I am proud to stand with him today in introducing this comprehensive legislation.

The legislation that I introduced in the last Congress and which is included in this bill eliminates a major inequity in the SBP arising from a 1999 congressional act limiting the time required to pay into the plan. That act deemed retirees who are at least 70 years old and have already been paying into SBP for at least 30 years to be fully ''paid up'' for the purpose of receiving benefits. This was an important piece of legislation, but, unfortunately, Congress only made it effective in 2008. The result was that earlier enrollees—those who enrolled between 1972 and 1978—were forced to pay into SBP longer than enrollees from 1978 or later, up to 6 extra years of premiums. In other words, they had to pay in longer for the same benefits.

This inequity was further magnified by the fact that those earlier retirees paid much higher SBP premiums—10 percent of retired pay—for two full decades, until 1992, when the premium was reduced to 6.5 percent of retired pay.

This bill, by making the ''paid up'' provision effective this year, will finally grant these survivors—the widows and widowers of the Greatest Generation—the same benefits of those who enrolled in SBP in subsequent years. It will provide basic fairness to 135,000 survivors and allow us to honor their sacrifice and that of their loved ones.

This bill also eliminates the dollar-for-dollar reduction of SBP benefits by the amount received in dependency and indemnity compensation. Under current law, the surviving spouse of an active duty or retired military member who dies from a service-connected cause is entitled to $993 a month—for a survivor without children—from the Department of Veterans Affairs. However, the surviving spouse's SBP annuity is reduced by the amount of DIC.

SBP and DIC payments are paid for different reasons. SBP, in most cases, is elected and purchased by the retiree to provide a portion of retired pay to the survivor. DIC payments represent special compensation to a survivor whose sponsor's death was caused directly by his or her uniformed service. To offset DIC—which we provide to the families of those who have lost their life in the service of their country—from annuities earned and paid for, is blatantly unfair.

This bill has the broadest possible support among organizations representing our troops and their families, including Air Force Association, Air Force Sergeants Association, Air Force Women Officers Associated, American Logistics Association, AMVETS, Army Aviation Association of America, Associations of Military Surgeons of the United States, Association of the U.S. Army, Commissioned Officers Association of the U.S. Public Health Service, CWO and WO Association U.S. Coast Guard, Enlisted Association of the National Guard of the U.S., Fleet Reserve Association, Gold Star Wives of America, Jewish War Veterans of the USA, Marine Corps League, Marine Corps Reserve Association, Military Officers Association of America, Military Order of the Purple Heart, National Association for Uniformed Services, National Guard Association of the U.S., National Military Family Association, National Order of Battlefield Commissions, Naval Enlisted Reserve Association, Naval Reserve Association, Navy League of the U.S., Noncommissioned Officers Association of the United States of America, Reserve Officers Association, Society of Medical Consultants to the Armed Forces, Military Chaplains Association of the USA, Retired Enlisted Association, United Armed Forces Association, USCG Chief Petty Officers Association, U.S. Army Warrant Officers Association, VFW, and Veterans' Widows International Network. The Military Coalition has described this bill as a top legislative goal, and it is my expectation that it will have strong support in the Senate.

It is vital that we keep faith with the men and women who serve in our military as well as their families. The widows and widowers of our service members, those who are serving now and those who served us in earlier times, are owed our deepest gratitude. But in the face of their sacrifice, there is more that we should do. We cannot ever fully compensate them for their loss. But we can ensure that the benefits that they have earned are fair and just.

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. SHELBY, Mr. MCCONNELL, Mr. BUNNING, and Mr. SARBANES):

S. 186. A bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I rise to discuss an issue of considerable importance to the people of southern Colorado. For nearly 50 years, the people of

southern Colorado have lived with the knowledge that within a few miles of their homes, schools, and places of business lies one of the largest stockpiles of chemical munitions in the world. The Pueblo Chemical Depot was built during World War II and continues to this day to serve as an ammunition and material storage facility. Since the mid-1990s, the primary mission of the depot has been to protect the 780,000 chemical weapons being stored there.

As required by the Chemical Weapons Convention, the Department of Defense in 1997 launched an aggressive program to dismantle the U.S. chemical weapons stockpile. The program has since repeatedly stumbled and has not met the expectations of the international community, Congress and, most important, the people who live near these stockpiles. The costs of the program have risen from $15 billion in 1997 to $24 billion in 2001, an increase of $9 billion in 4 years. Some have estimated that the program will cost as much as $30 billion by the time it is completed.

The time schedule has experienced unconscionable delays. Last year cleanup of Pueblo was expected to be completed by 2011. The Department's latest budget decision has pushed the date all the way back to 2021, 9 years after the Chemical Weapons Convention treaty deadline.

Numerous safety incidents have occurred at operational sites, shutting down one facility for 9 months. Poor contracting has resulted in the shutting down of another facility, which is now costing the Federal Government $300,000 a day to keep operationally ready. It was hardly a surprise then when the President's own management assessment last year labeled this program as ineffective.

On top of these numerous problems, the Department of Defense has failed to fully communicate its intentions to either Congress or the local community. Last week, for instance, Senator SALAZAR, my colleague from Colorado, and I met with two Department of Defense officials to discuss this program. At that meeting we requested that the Defense Department answer some questions and were promised a written response from Under Secretary of Defense Michael Wynne within 3 days. That meeting was held over a week ago, and we have yet to receive a response.

At least we in Congress can get a meeting. Members of the local community in Pueblo, CO have been trying to get an official from the Defense Department to meet with them to discuss the Pentagon's plans for weeks. Despite the fact that the Defense Department is trying to unilaterally shut down the design work at Pueblo, the Pentagon has not taken the time to meet with the residents who, if the Pentagon gets its way, will be forced to live for another 15 years near an aging stockpile housing three-quarters of a million chemical weapons.

The latest and most frustrating Pentagon effort in this program is to study once again the possibility of transporting the 2,600 tons of mustard gas across the State of Colorado to an incinerator site out of the State. Never mind that this option has been studied at least three times in the past decade, and never mind that current law prohibits the transport of chemical munitions across State lines, and never mind that transporting these weapons out of State would violate the agreement the Defense Department made with the people in Pueblo.

This study is unnecessary and a waste of taxpayers' hard-earned dollars. I don't know how simpler we can make it. I have already been told by Pentagon officials that the study is going to conclude that the transportation of chemical munitions across State lines is not practical. If that is the case, why do the study? Why waste $150,000 to study the feasibility of an option that is against the law and has already been determined by the Pentagon to be impractical?

With the Department wasting money on meaningless studies, it is no wonder that this program is over budget and behind schedule. I think it is time we took a stand against the Pentagon's wasteful actions. Therefore, I am introducing legislation today that will stop this study and force the Department of Defense to recognize that the only option for destroying its chemical munitions is to build a disposal site in Pueblo.

I am pleased to announce that my colleague from Colorado, Senator KEN SALAZAR, has agreed to cosponsor this legislation. I wanted to mention, though, that Senator MITCH MCCONNELL, Senator BUNNING, and Senator SHELBY have also agreed to cosponsor. We should not forget that Senator MCCONNELL in particular has been fighting the Department on this issue for over a decade. In many respects, Senator MCCONNELL's hard work has paved the way for the legislation I am introducing today along with my colleague from the State of Colorado, Senator SALAZAR.

I urge my other colleagues to join us in putting the Department on notice that this kind of wasteful, meaningless effort will not be tolerated.

I believe it is time the Pentagon took a good look at its chemical demilitarization program. Our country cannot afford to throw away our scarce defense dollars into a program that continues to be so incredibly mismanaged. Nor should our Nation's diplomats be put in the position of having to explain why we can't meet our treaty obligations to the likes of China, Iran, or France. Most importantly, we cannot forget the thousands of innocent Americans who continue to live near these sites. They bear the burden of the Pentagon's mismanagement. It is not fair to them when all they have asked for is that these munitions be cleaned up in a manner that is safe and does not harm the environment.

Mr. SALAZAR. Mr. President, I rise today along with my colleagues in relation to the Pueblo Chemical Depot. When the Senate ratified the Chemical Weapons Convention in 1997, it became U.S. law and our sworn obligation to destroy our Nation's chemical weapons stockpiles by 2012. With the advent of the global war on terror, this responsibility has taken on even more importance. We must destroy these weapons to ensure the health and safety of the citizens of the State of Colorado.

We must also stand as an example to the world that we are firmly resolved in our commitment to reducing the threats posed by weapons of mass destruction in our Nation.

Given the gravity of the situation, I cannot understand why the Department of Defense is shirking from their responsibility in this matter.

Until recently, the relationship between the Army and the citizens of Pueblo had an excellent track record, proving that when good people come together and operate from a position of trust, significant problems can be solved. Yet, one day after Senator ALLARD and I were absolutely assured by the Department of Defense that the chemical weapons stored in Pueblo would not be transported, and that the weapons would be destroyed in Pueblo by the environmentally safe method of water neutralization, the Department of Defense turned around and commenced a study on the feasibility of transporting the stockpiles out of Pueblo to be incinerated at another site—twenty-four hours after they said they wouldn't.

I believe we were given a good faith commitment last week that the destruction of the weapons would continue at Pueblo using the water neutralization technology agreed upon, and that the munitions would not be transferred elsewhere. While we wait for the promised clarification on these matters, Senator ALLARD and I believe it is necessary to emphasize our resolve.

To help provide that emphasis, we are introducing this bill. It is a straightforward, one-line bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

Mr. President, the sheer number of weapons awaiting destruction at the Pueblo Chemical Depot is staggering: more than three-quarters of a million artillery shells and mortar rounds. Transporting these weapons would be a dangerous and expensive enterprise. It would be subject to legal challenges by the towns and the States involved, and it is against Federal law.

In short, transporting these weapons will not save time, and it will not save money. But this bill we have brought to the floor will save both time and money, because it stops the frivolous study and returns the focus to the issue at hand: the safe destruction of the chemical weapons at Pueblo by water neutralization.

Mr. MCCONNELL. Mr. President, one of the first meetings I had as a U.S. Senator 20 years ago was about the aging chemical weapons stored at the Blue Grass Army Depot in Richmond, KY. At the time, the Army was ignoring the concerns of the community and attempting to incinerate the weapons irrespective of the potential risk.

Not much has changed.

I have spent the last 20 years fighting for the citizens of Kentucky who live in proximity to these dangerous weapons, and although the party responsible for the weapons is now the Department of Defense, the problem remains the same. Those responsible for the destruction of the chemical stockpiles are ignoring the best interests and concerns of the citizens who live near them.

Every time I have helped the community to clear a hurdle, whether it was to force the Army to investigate alternative technologies to incineration or the creation of a new organization to manage the new method of demilitarization, a new obstacle has been put in the path of stockpile destruction. Currently, the citizens of Kentucky and Colorado are being robbed to pay for the massive cost overruns at incineration sites throughout the country.

The budgets for demilitarization at Blue Grass and Pueblo have been slashed, and the money has been transferred to other accounts in spite of the fact that Blue Grass and Pueblo had succeeded in securing permits from the local environmental agencies in record time. The Assembled Chemical Weapons Agency, which has been tasked with managing the demilitarization of these stockpiles, is respected and trusted by the community. And I believe the Department's decision to cut funding for ACWA in the FY06 budget is a slap in the face to the citizens of Kentucky and Colorado, and an insult to the fine people at ACWA.

Now the Department has suggested it wants to transport the weapons from these depots through our communities to incineration sites. This will not happen so long as I am a U.S. Senator.

After the time and energy I have expended on ensuring these weapons are disposed of in a safe and environmentally friendly manner, I am personally insulted by the Department's efforts to delay destruction and its suggestion of transporting the weapons elsewhere.

The Department has an obligation to the citizens of Kentucky and Colorado to dispose of these stockpiles in an expeditious and safe manner. Congress and the Department, working with the communities, certified an alternative means of disposal, and it is unacceptable for the Department to walk away from this promise. Destruction of stockpiles at Blue Grass and Pueblo deserves full funding from the Department of Defense, and I will work to put the demilitarization of these stockpiles back on schedule.

I want to thank my friend, Senator ALLARD, for his efforts to safely dispose of these dangerous stockpiles. As a member of the Armed Services Committee, Senator ALLARD was a tireless advocate for the citizens of Colorado who live near these weapons. I am happy to welcome Senator ALLARD to the Appropriations Committee, where I look forward to working with him to ensure that Blue Grass and Pueblo receive the funding attention that is so long overdue.

Although the Department may come to its senses and decide not to pursue the shipment of decaying stockpiles of chemical weapons through suburban Kentucky or Colorado, I've come to learn that trusting the best judgment of the folks in charge of this program is never a sure bet. For that reason, I'm proud to be an original cosponsor of Senator ALLARD's legislation, which will prohibit the shipment of chemical weapons from any Army installation. These weapons need to be destroyed, but they need to be destroyed safely at the locations where they currently are stored. Moving 60-year-old stockpiles of leaking mustard agent is not a solution to a budget problem, it is a recipe for disaster.

By Mr. CORZINE (for himself, Mr. SMITH, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. DAYTON, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. SCHUMER, Mr. WYDEN, Ms. COLLINS, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, and Mr. BIDEN):

S. 187. A bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I join with Senators KENNEDY and SMITH and twenty-seven of our colleagues today in introducing a very important piece of legislation, the Ensuring College Access for All Americans Act.

This bill would prevent any student from seeing a reduction in the Pell grants under recent changes by the Bush administration to the formula used to calculate student aid eligibility. On December 23, 2004—just 2 days before the Christmas holiday, I might note—the Department of Education published updates to the allowance for state and other taxes that is used by students and their families to calculate their expected family contribution, or EFC, to college tuition. The EFC is the amount that students and their families are expected to contribute towards college in a given year.

Changes in a student's ''expected family contribution'' have a direct impact on that student's eligibility for a variety of types of financial aid. Simply put, as a student's expected family contribution goes up, their eligibility for financial aid goes down.

The Administration's changes to the tax tables have the effect of cutting $300 million from the successful Pell grant program, upon which more than five million students nationwide rely. It is projected that, as a result of these cuts, 1.3 million students will see a reduction in their Pell grants and another 89,000 will become ineligible for Pell grant assistance.

Not only will these changes drastically affect Pell grant eligibility and aid, but because the EFC formula is used to calculate eligibility for other forms of Federal aid, including federal student loans, as well as private institutional and state aid, these changes will cut practically all forms of student aid. Unfortunately, the Department's changes to the state and local tax allowance will increase the EFC for nearly all American families and students. While no New Jersey students are projected to lose assistance under this year's proposed cuts, they were projected to lose assistance under similar cuts proposed in 2003. I am very concerned that New Jersey students could be hurt going forward if the administration continues to update the tax tables based on outdated tax information.

Certainly, I do not disagree that the tax tables used to determine EFC, which have not been updated since 1988, may need to be revised to reflect current state and local tax burden. However, the administration's proposal does not reflect current tax levels. The updates reduce the credit that families receive for paying state and local taxes at a time in which they are actually paying more taxes. For example, the administration's new tax tables are based on Fiscal Year 2002 state tax information. According to the National Association of State Budget Officers, though, since FY 2002, states have enacted $14.1 billion in tax and fee increases. Again, because the administration's proposal is based on outdated tax information, it does not take into account these substantial increases in State tax burden.

In fact, the General Accounting Office issued a report last week that found that the Department of Education's procedures for revising the tax tables and the formula the Department used are seriously flawed. The GAO report, entitled Student Financial Aid: Need Determination Could be Enhanced through Improvements in Education's Estimate of Applicants' State Tax Payments, states, ''Education could not provide us with written procedures guiding staff on the routine steps necessary to update the tax allowance, nor did it maintain detailed records of its efforts to obtain data.'' The report goes on to say of the data the Department used to revise the tables,

As a result of certain limitations of the SOI [statistics of income] dataset for the purpose of calculating the allowance and problems with how Education uses this dataset, the current state and other tax allowance may not fully reflect the amount of taxes paid by students and families. The dataset itself is not ideally suited for calculating the allowance because it is limited to financial data from those who itemize their taxes, does not include state and local taxes, and is several years older than the income information reported by students and families on the FAFSA.

The report further notes that because the SOI compiles data only for those who itemize their tax deductions, who may pay different tax rates than non-itemizers, the data is further flawed. The GAO goes on to suggest improvements to the Department's calculations and the data they use.

These changes also come at a time when tuition is rising dramatically at double digit rates, and students and working families are straining to provide the financial wherewithal to access America's promise of education. According to the College Board, tuition, room, and board at a four-year public university costs an average of $11,354, $824 more than last year and $1775 more than 2 years ago. In other words, tuition at public institutions has been increasing by almost ten percent a year. In fact, according to the National Association of State Universities and Land-Grant Colleges, tuition and fees at public institutions in New Jersey has increased by more than 40 percent since the 1999–2000 school year. In some states they've increased by more than 60 percent in the last five years.

To really understand these numbers, though, it's necessary to look at the people who are struggling to afford to go to college. To that end, I would like to read a couple of personal stories about the importance of the Pell grant program to a college-bound student and a student struggling to afford college now.

One student writes,

I am lucky enough to be attending a top-rate University and receiving a quality education, but I rely on many federal loans and aid, including a Pell Grant, in order to remain where I am. When President Bush decided not to fully fund Pell Grants, he left me and many others in a precarious position. My Pell grant is still pending and I really am counting on it to cover some of my basic expenses; it will be a hardship until it comes—or worse if it doesn't come in full. The President says he's an advocate for young people with his dubious social security plans, but he leaves us behind with his non-commitment to higher education.

A mother who fears she will no longer be able to afford to send her son to school writes,

I've saved money from the day my son was born so that he may attend the college of his dreams. He is a gifted musician and was awarded scholarships to attend Berklee in Boston. With the help of the Pell Grant and other student loans, he is now a freshman there and I'm proud to say is doing very well. However, I am worried that with Bush having lowered the income standard for Pell, Timmy may lose his grant and there won't be enough money saved for him to stay in school. I would like to give him the opportunity to pursue his dreams and let his talent take him where it may. I see Bush cutting programs from the have nots to give to the haves. How many dreams is he going to destroy and how many more programs is he going to cut?''

It's wrong, to cut $300 million—a small price to pay to ensure that low-income families can afford to send their children to college—from this program. And it's even worse to cut aid to 1.4 million families based on faulty calculations.

A college education today is essential to survival in our competitive marketplace. Not only does our economy thrive on an educated workforce, but also those who are educated and as a result are gainfully employed contribute enormously to our tax base. I am willing to venture that the costs of the Pell grant program are more than paid back by those who were able to go to attend college because of a Pell grant and today are productive, tax-paying citizens.

The Senate must prevent these cuts from becoming a reality. Thirty Senators stand behind the legislation I introduce today a bipartisan group of thirty Senators, I might add.

I hope that we can put politics aside and pass this legislation immediately to prevent any student from losing Pell grant assistance. Finally, I strongly urge the administration to take a close look at the GAO report and to reform the flawed system they have used to revise the tax tables.

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

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

S. 187

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 ''Ensuring College Access for all Americans Act''.

SEC. 2. ALLOWANCE FOR STATE AND OTHER TAXES.

Notwithstanding any other provision of law, the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2005–2006 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926), shall not apply to a student to the extent the updates will reduce the amount of Federal student assistance for which the student is eligible.

Mr. KENNEDY. Today I join Senator CORZINE and 26 of our colleagues to introduce legislation to prohibit the implementation of the proposed changes in the State and local tax tables on college students receiving need-based aid.

When decisions are made by any administration that affect the price that families pay for college, it is important that the Congress understands both the factors that influenced that decision and the impact of those decisions on our constituents. In light of the slumping economy, State budget crises, and rising college costs, the Department's proposed changes come at a very difficult time for students and their families. Raising the cost of tuition by a few hundred dollars may cause a student to have to leave school and it is our responsibility to ensure that these changes are being made for sound reasons.

I urge the Department of Education to work with Congress when making these decisions so that members of this body are made aware of policy changes through a collaborative process—and not the media.

Ms. CANTWELL. Mr. President, I want to take a moment to talk about the advantages of having a college education and the importance of ensuring access to higher education. That is why I am pleased to join as a cosponsor the Corzine-Smith Kennedy Ensuring College Access for All Americans Act of 2005. Due to recent changes made to the formula determining federal Pell grant awards, many students are at risk of losing needed financial aid. This bill would guarantee that no student sees a reduction in his or her Pell grant assistance in the 2005–2006 school year or loses the grant completely.

We are all familiar with the adage: education is the great equalizer—and that a college education is the economic ladder to upward mobility. Not only do individuals reap benefits from having a college degree, society also values higher education—as we have also heard that education is the engine that drives a healthy economy. Basically, in addition to all its other benefits, having a good education pays individuals in the long run.

According to a recent report by the college board, college graduates earn about 73 percent more than high school graduates over their working lives. For those with advanced degrees, earnings are two to three times higher than high school graduates. Moreover, society enjoys the financial returns on the investment in higher education—from generated higher tax payments to decreased dependency on public income-transfer programs. Overall, higher education improves individual and societal quality of life.

While we are convinced that higher levels of educational attainment produces positive outcomes we need to do more to ensure access to higher education.

With the cost of college tuition continuing to rise, financial aid is the decisive factor in determining whether thousands of high school seniors are college bound or not. In particular, Federal Pell grants are especially critical for low-income students financing their way through college. According to the college board, college tuition at 4 year institutions increased on average by over 10 percent in the 2004–2005

school year. At 2-year public colleges, tuition increased by over 8 percent.

However, the Department of Education's recent changes to the formulas for financial aid eligibility will cut $300 million in Pell grant assistance to students nationwide, resulting in drastic reductions of Pell grant awards to more then one million students. The American Council on Education estimates that 89,000 students who are currently eligible for a Pell grant will lose this financial assistance. An additional 1.3 million student will likely see a reduction of $100 to $300 in their Pell Grants.

In my home State, over 4,000 students, just at one college, the University of Washington, will be adversely impacted from the change in financial aid eligibility. Early estimates show that about 3,900 students of the 6,900 eligible for a Pell Grant will lose up to $200 a year. Two hundred more students will probably lose their minimum grants of $400. Many of the students likely to see a decrease in their Pell grant award are low income.

Federal financial aid was critical to my own educational achievements. I went to college on a Pell grant. It was a critical to my being able to finance my way through school. With these new rules, some students may quit school or will have to spend more time working when they should be going to class.

The Ensuring Access for All Americans Act of 2005 would restore this critical financial assistance to thousands of needy students in the 2005–2006 school year. At a time when more and more employers are requiring a college degree for employment and tuition costs are skyrocketing, government should be opening the doors to educational opportunity, not locking students out. I urge prompt Senate action on this measure.

Mrs. FEINSTEIN. Mr. President. I am pleased to join Senators CORZINE and KENNEDY as a cosponsor of the bill Ensuring College Access for All Americans that restores cuts to the Federal Pell Grant Program for millions of students nationwide.

Federal Pell grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

These grants provide nearly $12.8 billion to help about 5.3 million low-income students attend college.

However, approximately 89,000 students currently eligible for a Pell grant will lose it, while an additional 1.3 million students will see their grants reduced by as much as $100 to $300 due to cuts in the Federal Pell Grant Program.

In California, nearly 150,000 low-income students will see their federal Pell grants decrease or disappear.

These cuts have a huge impact on students at California's public colleges and universities.

Within the University of California system, almost half of the 46,000 Pell grant recipients who attend one of the eight UC campuses will receive reduced grants and about 500 students who receive $400 a year will lose their grants completely.

On December 23, 2004, the Department of Education issued a proposal that will cut $300 million from the Federal Pell Grant Program.

The proposal updates State and local tax tables used to determine families' expected contribution towards college cost in a given year resulting in students and their families being expected to contribute more for college expenses.

These changes, which use Fiscal Year 2002 State and local data, reduce the credit that families receive for paying State and local taxes at a time when they are actually paying more taxes.

Senators CORZINE and KENNEDY's bill ensures that no student loses their Pell grant or sees a reduction in assistance under the Department of Education's proposal to update State and local tax tables.

It would simply ''hold harmless'' any student who stands to lose under the new proposal, so that no student would see a reduction in their Pell grant. Those students in the States that stand to gain would still benefit from the new tax tables.

It is imperative that cuts to this important student aid program be restored so that students can continue to receive their Pell grants that they are eligible for.

I recently received a letter from one my constituents from Chino, CA, a parent who is very concerned about the cuts to the Pell grant program. The letter said:

> This would result in millions of families, many of whom depend on financial aid including Pell grants, such as my children in college, losing all or part of their federal support. . . . this affects us all and our children's future.

A college student from Contra Costa County in California wrote:

> The amount of my Pell grant will not cover the cost of supplies that I need for the semester. . . . my parents cannot take out loans themselves. . . . so now I have to take out loans of my own, which for the amount I was approved for, doesn't even cover a quarter of my tuition. I really felt let down and disappointed.

There could not be a worst time for making changes that would take away or shrink a student's financial aid.

Over 500,000 low and middle-income California students rely on Pell grants for financial assistance. The maximum Pell grant has been frozen at $4,050 for 3 consecutive years, while the costs of attending a 4-year public college or private college have increased both nationwide and in California.

We must do all we can to make college education more accessible and affordable for our Nation's students.

I urge my colleagues to join Senators CORZINE and KENNEDY in supporting this legislation.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mrs. BOXER, Mr. MCCAIN, Mr. DURBIN, Mr. CRAPO, Ms. CANTWELL, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALEXANDER, and Mr. LAUTENBERG):

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today legislation to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program, SCAAP.

I am pleased to be joined on this bill by a bipartisan group of Senators, including Senators KYL, SCHUMER, CORNYN, BOXER, MCCAIN, DURBIN, CRAPO, CANTWELL, HUTCHISON, BINGAMAN and ALEXANDER.

This legislation is critical to ensuring that cash strapped states and localities are at least partially reimbursed for the costs of housing undocumented criminal aliens in their jails. Ultimately, were it not for the failure of the federal government to control illegal immigration, States and localities would not have to spend hundreds of millions of dollars in housing these individuals in their prisons and jails.

During the 108th Congress, this bill passed the Senate by unanimous consent but stalled in the House of Representatives. This year, passage of this legislation is even more critical given that the authorization for appropriations for SCAAP in the Immigration and Nationality Act expired in 2004.

While hard numbers can be elusive when determining the actual costs to American taxpayers of illegal immigration, not many would disagree that the costs are in the billions of dollars each year. These costs go to, for instance, education, medical care and incarceration. And even if we consider the tax contributions of undocumented aliens and subtract that from the total costs, we are still left with expenditures in the billions of dollars.

The cost of incarcerating undocumented criminal aliens alone is a staggering figure—millions of dollars each year. And these dollars expended by States and localities are not optional. They must be expended since incarcerating individuals convicted of committing a crime is not optional.

Since funding for SCAAP began in 1995, the amount appropriated has been as high as $565 million and as low as $250 million—and these figures only covered a portion of the costs expended by States and localities to house undocumented criminal aliens. Furthermore, every day States and localities expend other monies on undocumented criminal aliens that are not reimbursed by the federal government through SCAAP. Those expenses include public safety expenditures, expenses of trial proceedings, use of translators, cost of public defenders and the incarceration

expenses of undocumented criminal aliens for minor offenses that do not meet the standards of SCAAP.

The reality is that all 50 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands requested reimbursement through the SCAAP program in fiscal year 2004. In that year, $281,605,292 was awarded through the program.

Congress has an obligation to reimburse States and localities for the costs of incarcerating undocumented criminal aliens when the federal government fails in its responsibility to effectively deter illegal immigration.

During the 108th Congress, this bill—S. 460—passed the Senate by unanimous consent.

This year, passage of this legislation is all the more critical because authorization for SCAAP funds expired in 2004. Without funding, cash strapped states and localities are going to have to re-allocate monies from other areas within their criminal justice system to meet the costs of housing undocumented criminal aliens.

We in Congress can assist, albeit in small part, our states by supporting the ''State Criminal Alien Assistance Program Reauthorization Act of 2005''. This bill would amend section 241(i)(5) of the Immigration and Nationality Act to authorize appropriations at a level of $750 million for FY 2006, $850 million for FY 2007 and $950 million for FY 2008 through FY 2011.

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, SCAAP reimburses States and localities that incur costs for incarcerating undocumented criminal aliens. These aliens must be convicted of a felony or two or more misdemeanors in violation of State or local law, and incarcerated for at least 4 consecutive days.

Funding for SCAAP has been appropriated by Congress annually since 1995. The program is administered by the Office of Justice Programs' Bureau of Justice Assistance, which is located in the Department of Justice.

During FY1997 to FY2003, approximately $3.5 billion was distributed to States and localities. California has historically received the largest annual awards since the program's inception, with Arizona, Illinois, New York and Texas also consistently receiving large awards. Unfortunately, authorization for SCAAP expired in October 2004.

SCAAP was established with the belief that protecting the nation's borders from illegal immigration is the responsibility of the Federal Government and that States and localities should be reimbursed by the Federal Government for expenses relating to these duties.

It is clear to everyone in this Chamber that immigration is a federal responsibility. In fact, the Constitution gives Congress plenary power over immigration, so States are legally barred from acting on their own. SCAAP has been set up over the years to reimburse states and local government for the costs of incarcerating undocumented criminal aliens.

It is based on the principle that when the Federal Government fails to enforce its laws against immigration violators, it should bear the responsibility for the financial costs of this failure.

Mr. President, I ask my colleagues to join me in supporting this legislation. I also ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 188

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 ''State Criminal Alien Assistance Program Reauthorization Act of 2005''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2005 THROUGH 2011.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the following: ''appropriated to carry out this subsection—

''(A) such sums as may be necessary for fiscal year 2005;

''(B) $750,000,000 for fiscal year 2006;

''(C) $850,000,000 for fiscal year 2007; and

''(D) $950,000,000 for each of the fiscal years 2008 through 2011.''.

By Mr. INHOFE:

S. 189. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce legislation requiring parental consent for intrusive physical exams administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these intrusive physical exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. To clarify the code, my bill will not allow any nonemergency intrusive exam by a Head Start agency without parental consent. This would not include exams such as hearing, vision or scoliosis screenings.

This issue was brought to my attention by some of my constituents from Tulsa, OK who felt their rights were violated when their children were subjected to genital exams and blood tests without their consent. I am pleased to see that the Rutherford Institute has taken an interest in this crucial issue and are representing my constituents.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

I ask unanimous consent that the text of the following article be printed in the RECORD, ''Federal Head Start suit pending.''

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

FEDERAL HEAD START SUIT PENDING

A lawsuit against Tulsa's Head Start program alleging a violation of the constitutional rights of preschool children remains pending in the U.S. District Court.

The 10th U.S. Circuit Court of Appeals reinstated the lawsuit in July 2003 saying the program appears to have ''directly violated'' their rights by subjecting children to genital exams and blood tests without their parents' consent.

The appellate decision reversed a 2001 decision by U.S. District Judge Terence Kern in Tulsa in favor of the Community Action Project.

The lawsuit arose as a result of exams of Head Start boys and girls at Roosevelt Elementary School on Nov. 5, 1998. The appellate judges said a registered nurse, who was a CAP employee, insisted on the exams over the objection of a parent, who was also a CAP aide.

The appeals court also reinstated claims for invasion of privacy and ''technical battery'' under Oklahoma law, and claims against CAP for allegedly interfering with the parents' ''constitutional right to direct and control the medical treatment of their children.''

The parents are represented by Steven Aden, chief litigator for the Virginia-based Rutherford Institute, a conservative legal foundation that focuses on religious rights, parental rights and freedom from government intrusion.

By Mr. HAGEL (for himself, Mr. SUNUNU, and Mrs. DOLE):

S. 190. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HAGEL. Mr. President, I rise today to introduce, along with my colleagues Senators SUNUNU and DOLE, the Federal Housing Enterprise Regulatory Reform Act of 2005. This is needed regulatory reform at a critical time for the Federal National Mortgage Association (Fannie Mae the Federal Home Loan Mortgage Corporation, Freddie Mac, and the Federal Home Loan Banks.

There is no doubt that our housing government sponsored enterprises GSEs, have been successful in carrying out their mission of providing liquidity for the housing market. The market has remained strong through tough economic times, and homeownership in this country is at an all-time high.

The housing GSEs, however, are uncommon institutions with a unique set of responsibilities and stakeholders. Fannie and Freddie are chartered by Congress, limited in scope, and are subject to Congressional mandates, yet they are publicly traded companies with all the earnings pressure that Wall Street demands. Additionally, Fannie and Freddie enjoy an implicit

guarantee by the Federal Government that has aided them in developing substantial clout on Wall Street. With their influence in the markets, their ability to raise capital at near-Treasury bill rates, and their use of the most sophisticated portfolio management tools, Fannie and Freddie today are no longer simply secondary market facilitators for mortgages.

The significance of Fannie Mae and Freddie Mac to our economy cannot be overstated. Together, the companies own or guarantee roughly 45.6 percent of all mortgage loans in the United States. The companies combined have issued over $3.9 trillion in obligations comprised of $2.2 trillion in mortgage backed securities and $1.7 trillion of GSE debt.

It is clear that the recent revelations at both Freddie Mac and Fannie Mae precipitate the need for Congress to address GSE regulatory reform. In 2003, Freddie Mac found itself treading through a wave of accounting problems and questionable management actions. That led to an income restatement of $5 billion, a penalty of $125 million and the removal of several members of its executive management. One year later, a similar surge of questionable practices was discovered at Fannie Mae. That led to the retirement and resignation of two of Fannie Mae's top management officials, as well as last month's ruling by the Securities and Exchange Commission, SEC, that Fannie could face a $9 billion income restatement.

At a minimum, the bar for a GSE should not be held lower than it is for any other company. In fact, given its congressionally chartered mission to serve a public interest, the bar should be held significantly higher. The operations of such companies should be managed with uncompromising integrity and unabridged transparency.

Our legislation would create a new independent world class regulator for Fannie Mae, Freddie Mac and the Federal Home Loan Banks. Our bill provides the new regulator with enhanced regulatory flexibility and enforcement tools like those afforded to the Federal Deposit Insurance Corporation, the Federal Reserve System, the Office of the Comptroller of the Currency and the Office of Thrift Supervision. Furthermore, the bill would:

Provide the new regulator the authority of receivership to close down a failing GSE and protect against a taxpayer bailout; provide the new regulator greater discretion in raising capital standards to protect against insolvency; provide the new regulator approval power over new programs and activities proposed by a GSE; provide the regulator with greater authority to limit exit compensation packages or golden parachutes for executives removed for cause; require the annual audits of Fannie Mae's and Freddie Mac's affordable housing programs to ensure that these programs support the enterprises' affordable housing mission; end presidential appointments to the board of directors of Fannie Mae and Freddie Mac, and would require all Federal Home Loan Bank directors to be elected.

This reform is important to restoring and maintaining the confidence that investors and the markets require. In light of the recent problems at Freddie Mac and Fannie Mae, it is even more important. I urge my colleagues to support this reform effort and invite them to cosponsor our bill.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, Mr. BAUCUS, and Mr. SANTORUM):

S. 191. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce important legislation aimed at helping some the world's poorest countries along their path toward economic development and self-sufficiency. Joining me in introducing this bill are my colleagues Senator FEINSTEIN, of California; Senator BAUCUS, of Montana; and Senator SANTORUM, of Pennsylvania. I appreciate their efforts in getting us to this point, and I look forward to working with them to see that this legislation is enacted into law.

When President Bush delivered his second inaugural address last week, he reaffirmed in absolute terms the commitment of the United States toward furthering human dignity around the globe. He drew on the words and the beliefs of our forefathers that every life has worth and is deserving of the freedom and security of economic independence.

The bill that I bring here today is aimed at spreading America's ideals of economic independence to regions of the world that have seen few such successes. My bill, the Tariff Relief Assistance for Developing Economies (TRADE) Act of 2005, would extend to some of the poorest people of the world the opportunity to work toward a better life.

Specifically, my legislation would provide duty-free and quota-free benefits, similar to those afforded under the Africa Growth and Opportunity Act, to some of the world's most impoverished nations. The countries covered by this legislation are 14 of the least developed countries (LDCs), as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program. They include Afghanistan, East Timor, Maldives, Cambodia, Bangladesh, and Nepal. My bill also includes a special emergency trade provision to assist Sri Lanka as it struggles through the aftermath of the recent tsunami.

The TRADE Act countries are subject to some of the highest U.S. tariffs in the world, averaging over 15 percent. This stands in glaring contrast to the nearly negligible tariffs that face our wealthier trading partners in Europe and Japan. The TRADE LDCs have been given duty-free entry from all other Organization for Economic Cooperation and Development countries, and they need our help now.

In prior years Congress has acted generously toward LDCs in the Caribbean and Sub-Saharan Africa. It is now time for us to act in a similar fashion to LDCs of the Asia-Pacific region. By allowing duty-free imports into the United States, we can encourage these countries to diversify their economies while creating employment opportunities and promoting democracy.

In supporting these values, we can also help to bring about a safer and more peaceful world. Recent history has shown us the violence and resentment that can arise when people lose hope and societies breakdown. Backward economic policies and repressive regimes offer fertile breeding ground for radical and dangerous ideologies.

In its final report, the 9/11 Commission recommended a U.S. strategy to counter terrorism that includes ''economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and enhance prospects for their children's future.''

The bill that I am introducing today can help us meet the goal of greater economic development in an increasingly important region of the world. The devastation brought by the recent tsunami coupled with the end of the textile quota system make this legislation especially timely and hasten the need for its passage. I thank you for the opportunity to speak here today, and I look forward to working with my colleagues in Congress to pass this legislation.

By Mr. LUGAR:

S. 192. A bill to provide for the improvement of foreign stabilization and reconstruction capabilities of the United States Government; to the Committee on Armed Services.

Mr. LUGAR. The bill I am introducing today seeks to enhance United States effectiveness in dealing with countries that are either emerging from civil strife and conflict or threatened with instability. It calls for the creation of certain fundamental capabilities within the Government, and the Pentagon in particular, that are critical to success in what has come to be called stabilization and reconstruction operations. These capabilities include the training and equipping of sufficient numbers of civilian and military personnel for such activities, as well as the development of a new guiding principle—one that designates stabilization and reconstruction as a prime Defense Department mission with the same priority as combat operations.

Often these missions will occur at the end of major combat operations. We have learned from recent experiences in Afghanistan and Iraq that the

United States will encounter significant challenges in seeking to ensure stability, democracy, and a productive economy in nations affected by conflict.

While United States Armed Forces are extremely capable of effectively projecting military force and prevailing on the battlefield, achieving United States objectives also requires successful stabilization and reconstruction operations after major fighting has ceased. Without success in the aftermath of large-scale hostilities, the United States hard-won military victories will be at risk. To achieve this success, the armed forces and civilian agencies of the United States Government must have the capabilities to support stabilization and reconstruction and to undertake effective planning and preparation well before the outbreak of hostilities.

There are many cases, as well, when timely intervention to stabilize a threatening situation can head off the need for a major combat operation. This legislation envisions that the same capabilities created to stabilize a post-conflict situation may also be used to prevent conflict in the first place, thus achieving United States objectives more effectively with less loss of life and less potential risk to our relations with other countries.

Much as the military component of a conflict requires extensive planning and training, we must also be well-prepared and trained for stabilization and reconstruction operations. To be fully effective in such operations, the United States needs to have Federal Government personnel deployed continuously abroad for years-long tours of duty so that they become familiar with the local scene and can earn the trust of indigenous people. The active component of the Armed Forces cannot meet all of these requirements. Personnel from other Federal agencies, reserve component forces, contractors, United States allies and coalition partners, and indigenous personnel must help.

This bill complements legislation I introduced last year, S. 2127, which calls for creation of a stabilization and reconstruction capability within the State Department. I am pleased the State Department created a new office for such activities. This bill is the important next step. It calls upon the President to issue a directive to develop an intensive planning process for stabilization and reconstruction activities, as well as the establishment of joint interagency task forces composed of senior Government executives and military officers to ensure coordination and integration of the activities of military and civilian personnel in a particular country or area of interest.

In addition, the bill calls upon the Secretary of Defense to take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities as well as to support the development of core competencies in planning in other departments and agencies, principally the Department of State. It further calls for the Secretary of Defense to take certain actions to ensure that stabilization and reconstruction becomes a core competency of general purpose forces through training, leader development, doctrine development and the use of other force readiness tools.

I recognize that the subject matter of this bill is extremely broad in scope, and that it properly falls within the purview of other committees in addition to the Senate Foreign Relations Committee. However, I believe that the only way the United States will achieve long-term success in stabilization and reconstruction operations is if all resources of the United States Government are brought to bear on the country or area of concern. It is for that reason that I am introducing this bill, and I hope that my colleagues in this body, in particular Senators WARNER and LEVIN, will agree to take a major role in examining the merits of those aspects of this bill that fall within their jurisdiction and expertise.

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

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

S. 192

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

SECTION 1. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States are extremely capable of effectively projecting military force and achieving conventional military victory. However, achieving United States objectives not only requires military success but also successful stabilization and reconstruction operations in countries affected by conflict.

(2) Without success in the aftermath of large-scale hostilities, the United States will not achieve its objectives. Success in the aftermath follows from success in preparation before hostilities.

(3) Providing safety, security, and stability is critical to successful reconstruction efforts and for achieving United States objectives. Making progress toward achieving those conditions in a country is difficult when daily life in that country is largely shaped by violence of a magnitude that cannot be managed by indigenous police and security forces.

(4) Reconstruction activities cannot and should not wait until safety and security has been achieved. Many elements of reconstruction, including restoration of essential public services and creation of sufficient jobs to instill a sense of well-being and self-worth in a population of a country, are necessary precursors to achieving stabilization in a country affected by conflict. Stabilization operations and reconstruction operations are intrinsically intertwined.

(5) Since the end of the Cold War, the United States has begun new stabilization and reconstruction operations every 18 to 24 months. Because each such operation typically lasts for five to eight years, cumulative requirements for human resources can total three to five times the level needed for a single operation.

(6) History indicates that—

(A) stabilization of societies that are relatively ordered, without ambitious goals, may require five troops per 1,000 indigenous people; and

(B) stabilization of disordered societies, with ambitious goals involving lasting cultural change, may require 20 troops per 1,000 indigenous people.

(7) That need, with the cumulative requirement to maintain human resources for three to five overlapping stabilization operations, presents a formidable challenge. It has become increasingly clear that more people are needed in-theater for stabilization and reconstruction operations than for combat operations.

(8) Since the end of the Cold War, the United States has spent at least four times more on stabilization and reconstruction activities than on large-scale combat operations.

(9) One overarching lesson from history is that the quality, quantity, and kind of preparation in peacetime determines success in a stabilization and reconstruction operation before it even begins. If an operation starts badly, it is difficult to recover.

(10) It is clear from experience in Afghanistan and Iraq that the United States must expect to encounter significant challenges in its future stabilization and reconstruction efforts, including efforts that seek to ensure stability, democracy, human rights, and a productive economy in a nation affected by conflict. Achieving these ends requires effective planning and preparation in the years before the outbreak of hostilities in order for the Armed Forces and civilian agencies of the United States Government to have the capabilities that are necessary to support stabilization and reconstruction. Such capabilities are not traditionally found within those entities.

(11) The United States can be more effective in meeting the challenges of the transition to and from hostilities, challenges that require better planning, new capabilities, and more personnel with a wider range of skills.

(12) Orchestration of all instruments of United States power in peacetime would obviate the need for many military expeditions to achieve United States objectives, and better prepare the United States to achieve its objectives during stabilization and reconstruction operations.

(13) Choosing the priority and sequence of United States objectives, acknowledging that not everything is equally important or urgent, and noting that in other cultures certain social and attitudinal change may take decades, all require explicit management-decisionmaking and planning in the years before stabilization and reconstruction operations might be undertaken in a region.

(14) To be fully effective, the United States needs to have Federal Government personnel deployed continuously abroad for years-long tours of duty, far longer than the length of traditional assignments, so that they become familiar with the local scene and the indigenous people come to trust them as individuals.

(15) There is a significant need for skilled personnel to be stationed abroad in support of stabilization and reconstruction activities. The active components of the Armed Forces cannot meet all of these requirements. Personnel from other Federal agencies, reserve component forces, contractors, United States allies and coalition partners, and indigenous personnel must help.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing United States effectiveness in the transition to and from hostilities will require—

(A) management discipline, that is—

(i) the extension of the management focus of the Armed Forces (covering the full gamut of personnel selection, training, and promotion;

(ii) planning, budgeting, and resource allocation;

(iii) education, exercises, games, modeling, and rehearsal, performance and readiness measurement; and

(iv) development of doctrine (now focused on combat operations) to include peacetime activities, stabilization and reconstruction operations and intelligence activities that involve multi-agency participation and coordination; and

(B) building and maintaining certain fundamental capabilities that are critical to success in stabilization and reconstruction, including training and equipping sufficient numbers of personnel for stabilization and reconstruction activities, strategic communication, knowledge, understanding, and intelligence, and identification, location, and tracking for asymmetric warfare;

(2) these capabilities, without management discipline, would lack orchestration and be employed ineffectively, and management discipline without these capabilities would be impotent; and

(3) the study of transition to and from hostilities, which the Defense Science Board carried out in the summer of 2004 at the request of the Secretary of Defense, provides an appropriate framework within which the Department of Defense and personnel of other departments and agencies of the Federal Government should work to plan and prepare for pre-conflict and post-conflict stability operations.

SEC. 2. DIRECTION, PLANNING, AND OVERSIGHT.

(a) FINDINGS.—Congress finds that a new coordination and integration mechanism is needed to bring management discipline to the continuum of peacetime, combat, and stabilization and reconstruction operations.

(b) PRESIDENTIAL ACTION.—It is the sense of Congress that the President should issue a directive to develop an intensive planning process for stabilization and reconstruction activities, and that the directive should provide for—

(1) contingency planning and integration task forces, that is, full-time activities that could continue for months or years, to be staffed by individuals from all involved agencies who have expertise in the countries of interest and in needed functional areas to work under the general guidance of the Assistant to the President for National Security Affairs;

(2) joint interagency task forces composed of senior Government executives and military officers who operate in a particular country or area of interest and are created to ensure coordination and integration of the activities of all United States personnel in that country or area; and

(3) a national center for contingency support, that is, a federally funded research and development center with country and functional expertise that would support the contingency planning and integration task forces and joint interagency task forces and would augment skills and expertise of the Government task forces, provide a broad range of in-depth capability, support the planning process, and provide the necessary continuity.

(c) ACTIONS BY SECRETARY OF DEFENSE.—While a directive described in subsection (b) is being implemented, the Secretary of Defense shall—

(1) take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities;

(2) actively support the development of core competencies in planning in other departments and agencies, principally the Department of State;

(3) instruct regional combatant commanders to maintain a portfolio of operational contingency plans for stabilization and reconstruction activities similar in scope to that currently maintained for combat operations; and

(4) instruct each regional combatant commander to create a focal point within their command for stabilization and reconstruction planning and execution.

SEC. 3. STABILIZATION AND RECONSTRUCTION CAPABILITIES.

(a) CORE COMPETENCY.—The Secretary of Defense and the Secretary of State shall each—

(1) make stabilization and reconstruction one of the core competencies of the Department of Defense and the Department of State, respectively;

(2) achieve a stronger partnership and closer working relationship between the two departments; and

(3) augment their existing capabilities for stabilization and reconstruction.

(b) DEPARTMENT OF DEFENSE.—

(1) MISSION.—The Secretary of Defense shall designate the planning for stabilization and reconstruction as a mission of the Department of Defense that has the same priority as the mission of the Department of Defense to carry out combat operations.

(2) SUPPORTING ACTIONS.—In administering the planning, training, execution, and evaluation necessary to carry out the stabilization and reconstruction mission, the Secretary of Defense shall—

(A) designate the Army as executive agent for stabilization and reconstruction;

(B) ensure that stabilization and reconstruction operational plans are fully integrated with combat operational plans of the combatant commands;

(C) require the Army and the Marine Corps to develop, below the brigade level, modules of stabilization and reconstruction capabilities to facilitate task organization and exercise and experiment with them to determine where combinations of these capabilities can enhance United States effectiveness in stability operations;

(D) require the Secretary of the Army to accelerate restructuring of Army Reserve and Army National Guard forces with an emphasis on providing the capability for carrying out the stabilization mission; and

(E) ensure that stabilization and reconstruction becomes a core competency of general purpose forces through training, leader development, doctrine development, and use of other force readiness tools and, to do so, shall require that—

(i) the Secretaries of the military departments and the Joint Chiefs of Staff integrate stabilization and reconstruction operations into the professional military education programs of each of the Armed Forces and the joint professional military education programs, by including in the curricula courses to increase understanding of cultural, regional, ideological, and economic concerns, and to increase the level of participation by students from other agencies and departments in those programs;

(ii) stabilization and reconstruction be integrated into training events and exercises of the Armed Forces at every level;

(iii) the commander of the United States Joint Forces Command further develop, publish, and refine joint doctrine for stability and reconstruction operations;

(iv) the Director of Defense Research and Engineering and the senior acquisition executive of each of the military departments develop and implement a process for achieving more rapid and coherent exploitation of service and departmental science and technology programs and increase the investment in force-multiplying technologies, such as language translation devices and rapid training;

(v) the resources for support of stability operations be increased; and

(vi) a force with a modest stabilization capability of sufficient size to achieve ambitious objectives in small countries, regions, or areas, and of sufficient capability to achieve modest objectives elsewhere be developed, and consideration be given to the actual capability of that force in making a decision to commit the force to a particular stabilization and reconstruction operation or to expand the force for that operation.

(c) DEPARTMENT OF STATE.—

(1) POLICY ON RECONSTRUCTION INTEGRATION.—It is the policy of the United States that the capabilities to promote political and economic reform that exist in many civilian agencies of the United States Government, in international organizations, in nongovernmental and private voluntary organizations, and in other governments be integrated based upon a common vision and coordinated strategy.

(2) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall—

(A) be the locus for carrying out the policy on reconstruction integration set forth in paragraph (1); and

(B) develop in the Department of State capabilities—

(i) to develop, maintain, and execute a portfolio of detailed and adaptable plans and capabilities for the civilian roles in reconstruction operations;

(ii) to prepare, deploy, and lead the civil components of reconstruction missions; and

(iii) to incorporate international and nongovernmental capabilities in planning and execution.

(d) COLLABORATION AND COOPERATION BETWEEN DEPARTMENTS OF DEFENSE AND STATE.—The Secretary of Defense shall—

(1) assist in bolstering the development of the Office of Stabilization and Reconstruction of the Department of State and otherwise support that objective through the sharing of the extensive expertise of the Department of Defense in crisis management planning and in the process of deliberate planning;

(2) work collaboratively with that office and assign to that office at least 10 experts to provide the intellectual capital and guidance on the relevant best practices that have been developed within the Department of Defense; and

(3) ensure that extensive joint and collaborative planning for stabilization and reconstruction operations occurs before commencement of a conflict that leads to such an operation.

SEC. 4. STRATEGIC COMMUNICATION.

(a) PRESIDENTIAL DIRECTIVE.—Recognizing an increase in anti-American attitudes around the world, particularly in Islamic and Middle-Eastern countries, the use of terrorism, and the implications of terrorism for national security issues, it is the sense of Congress that the President should issue a directive to strengthen the United States Government's ability—

(1) to better understand global public opinion about the United States, and to communicate with global audiences;

(2) to coordinate all components of strategic communication, including public diplomacy, public affairs, and international broadcasting; and

(3) to provide a foundation for new legislation on the planning, coordination, conduct, and funding of strategic communication.

(b) NSC ORGANIZATION.—It is, further, the sense of Congress that the President should establish a permanent organizational structure within the National Security Council to oversee the efforts undertaken pursuant to a directive described in subsection (a) and that such structure should include—

(1) a deputy national security advisor for strategic communication to serve as the President's principal advisor on all matters relating to strategic communication;

(2) a strategic communication committee, chaired by the deputy national security advisor for strategic communication and with a membership drawn from officers serving at the under secretary level of departments and agencies, to develop an overarching framework for strategic communication (including brand identity, themes, messages, and budget priorities) and to direct and coordinate interagency programs to maintain focus, consistency, and continuity; and

(3) an independent, nonprofit, nonpartisan center for strategic communication to serve as a source of independent, objective expertise to support the National Security Council and the strategic communication committee, by (among other actions) providing information and analysis, developing and monitoring the effectiveness of themes, messages, products, and programs, determining target audiences, contracting with commercial sector sources for products and programs, and fostering cross-cultural exchanges of ideas, people, and information.

(c) ACTIONS BY DEPARTMENTS OF STATE AND DEFENSE.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Defense shall each allocate substantial funding to strategic communication.

(2) DEPARTMENT OF STATE.—Within the Department of State, the Under Secretary of State for Public Diplomacy and Public Affairs shall be the principal policy advisor and manager for strategic communication.

(3) DEPARTMENT OF DEFENSE.—Within the Department of Defense, the Under Secretary of Defense for Policy shall serve as that department's focal point for strategic communication.

SEC. 5. KNOWLEDGE, UNDERSTANDING, AND INTELLIGENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The knowledge necessary to be effective in conducting stabilization and reconstruction operations is different from the military knowledge required to prevail during hostilities, but is no less important.

(2) To successfully achieve United States political and military objectives, knowledge of culture and development of language skills must be taken as seriously as development of combat skills.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the collection, analysis, and integration of cultural knowledge and intelligence should be ongoing to ensure its availability far in advance of stabilization and reconstruction operations for which such knowledge and intelligence are needed; and

(2) a new approach is needed to establish systematic ways to access and coordinate the vast amount of knowledge available within the United States Government.

(c) COMMANDERS OF COMBATANT COMMANDS.—

(1) INTELLIGENCE PLANS.—The Secretary of Defense shall require the commanders of the combatant commands to develop intelligence plans as a required element of their planning process. Each such plan shall satisfy information needs for peacetime, combat, and stabilization and reconstruction (including support to other departments and agencies) and be developed by use of the same kinds of tools that are useful in traditional pre-conflict and conflict planning.

(2) RESOURCES.—The Secretary of Defense shall provide resources to the regional combatant commands for the establishment of offices for regional expertise outreach to support country and regional planning and operations, and to provide continuity, identify experts, and build relationships with outside experts and organizations.

(3) AREA EXPERTS.—In order to increase the number of competent area experts, the Under Secretary of Defense for Personnel and Readiness shall lead a process to set requirements and develop career paths for foreign area officers and a new cadre of enlisted area specialists, a process based on a more formal, structured definition of requirements by the commanders of the combatant commands.

(4) MILITARY EDUCATION.—The Secretaries of the military departments shall improve the regional and cultural studies curricula in the joint professional military education system, as well as in online regional and cultural self-study instruction, in order to broaden cultural knowledge and awareness.

(d) INTELLIGENCE REFORM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the United States should shift the focus of intelligence reform from reorganization to the solving of substantive problems in intelligence.

(2) ACTIONS.—The Director of National Intelligence, in consultation with the Secretary of Defense, shall—

(A) establish a human resource coordination office charged with the responsibility to develop a comprehensive human resource strategy for planning, management, and deployment of personnel that would serve as the basis for optimizing the allocation of resources against critical problems;

(B) adopt a new counterintelligence and security approach that puts the analyst in the role of determining the balance between need-to-share and need-to-know that will enable the intelligence community to enlarge its circle of trust from which to draw information and skills;

(C) improve integration between networks and data architectures across the intelligence community to facilitate enterprise-wide collaboration;

(D) harmonize special operations forces, covert action, and intelligence, and ensure that sufficient capabilities in these specialized areas are developed;

(E) accelerate the reinvention of defense human intelligence and ensure that there are enough such personnel assigned and sustained for a sufficient number of years in advance of the nation's need for their services; and

(F) enhance the analysis of intelligence collected from all sources, including by improving the selection, recruitment, training, and continuing education of analysts, producing regular and continuous assessment and post-operation appraisal of intelligence products, and creating incentives to promote the creativity and independence of analysts.

(e) FOREIGN LANGUAGE PROFICIENCY.—

(1) FINDING.—Congress finds that the utilization of individuals with foreign language skills is critical to understanding a country or a region, yet the Department of Defense lacks sufficient personnel with critical foreign language skills.

(2) ACTIONS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall—

(A) prescribe the specific foreign language and regional specialist requirements that must be met in order to meet the needs of the Department of Defense, including the needs of the commander of the United States Joint Forces Command and the commanders of the other combatant commands and the needs of the Armed Forces generally, and shall provide the resources for meeting these requirements in the annual budget submissions; and

(B) develop a more comprehensive system for identifying, testing, tracking, and accessing personnel with critical foreign language skills.

(f) EXPLOITATION OF OPEN SOURCES OF INFORMATION.—

(1) FINDINGS.—Congress finds that open sources of information—

(A) can provide much of the information needed to support peacetime needs and stabilization and reconstruction needs; and

(B) can be used to develop a broad range of products needed for stabilization and reconstruction operations, including such products as genealogical trees, electricity generation and transmission grids, cultural materials in support of strategic communication plans, and background information for noncombatant evacuation operations.

(2) EXECUTIVE AGENT FOR DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate the Director of the Defense Intelligence Agency to serve as executive agent of the Department of Defense for the development and administration of a robust and coherent program for the exploitation of open sources of information.

SEC. 6. IDENTIFICATION, LOCATION, AND TRACKING IN ASYMMETRIC WARFARE.

The Secretary of Defense, in consultation with the Director of National Intelligence, shall immediately develop a program administered by a new organization established by those officers to provide—

(1) an overall technical approach to—

(A) the identification, location, and tracking of asymmetric warfare operations carried out against the Armed Forces of the United States or allied or coalition armed forces; and

(B) tracking targets in asymmetric warfare in which the Armed Forces of the United States, or allied or coalition armed forces may be engaged;

(2) the systems and technology to implement the approach;

(3) the analysis techniques for translating sensor data into useful identification, location, and tracking information;

(4) the field operations to employ, utilize, and support the hardware and software produced; and

(5) feedback to the Secretary of Defense and the Director of National Intelligence on the impact of related policy decisions and directives on the creation of a robust identification, location, and tracking capability.

SEC. 7. MANAGEMENT IMPLEMENTATION PLANS.

(a) REQUIREMENT FOR PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall each submit to Congress a management plan for carrying out the responsibilities of the Secretary of Defense (and the duties of other officials of the Department of Defense) and the responsibilities of the Secretary of State (and the duties of other officials of the Department of State), respectively, under this Act.

(b) CONTENT.—Each plan submitted under this section shall include objectives, schedules, and estimates of costs, together with a discussion of the means for defraying the costs.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

(a) DEPARTMENT OF DEFENSE.—There is authorized to be appropriated to the Department of Defense for the Office for Stability Operations such sums as may be necessary to enable that office to carry out the planning, oversight, and related stabilization and reconstruction activities required of the Department of Defense under this Act.

(b) DEPARTMENT OF STATE.—There is authorized to be appropriated to the Department of State such sums as may be necessary for carrying out the planning, oversight, and related stabilization and reconstruction activities required of the Department of State under this Act.

By Mr. NELSON of Nebraska (for himself and Mr. ENZI):

S. 194. A bill to amend the Farm Security and Rural Investment Act of 2002 to permit the planting of chicory on base acres; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Nebraska. Mr. President, today I am offering legislation with Senator MIKE ENZI to remove chicory from the fruit and vegetable, FAV, planting prohibition on Direct and Counter-Cyclical Program, DCP, base acres.

Diversification is a common theme among farm producers throughout the country. If we expect our producers to survive, we have to give them more options for diversifying agriculture. Our responsibility should include the elimination of the disincentive to produce alternative crops. This bill offers a clear opportunity to grow a chicory industry, creating a new revenue stream and helping to diversify agriculture production.

The State of Nebraska currently has the only chicory processing facility in the United States. There is a strong interest from producers in Nebraska and Wyoming to increase the production of chicory, due to its relatively low input cost and opportunity for high profits. Only 800 to 1,000 acres of the crop are expected to be planted in 2005. Farm bill policies are simply blocking the prospects for growth in the chicory industry.

The Farm Security and Rural Investment Act of 2002 currently provides three exceptions—lentils, mung beans, and dry peas—to the FAV planting prohibition on DCP base acres. Chicory should be added to this list of exceptions.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. DAYTON, Mr. CORZINE, Mr. SARBANES, Mr. OBAMA, Ms. MIKULSKI, and Mr. SCHUMER):

S. 195. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the No Taxation Without Representation Act of 2005 in an effort to right a persistent injustice experienced by the 600,000 citizens of the District of Columbia, who have historically been denied voting representation in Congress.

This injustice is felt directly by District residents, but it is also a shadow overhanging the democratic traditions of our Nation as a whole. It is absurd that, in this day and age, ours is the only democracy in the world in which citizens of the capital city are not represented in the national legislature with a vote. The right to vote is a civic entitlement of every American citizen, no matter where he or she resides. It is democracy's most essential right.

I am proud to be the chief Senate sponsor of this bill, which Congresswoman ELEANOR HOLMES NORTON is introducing today in the House, because it makes us the fully representative democracy we claim to be. And I am delighted that Senators OBAMA, SCHUMER, MIKULSKI, SARBANES, FEINGOLD, DAYTON, CORZINE, DODD and DURBIN are joining me as original co-sponsors. The point of the legislation is simple: It would provide the residents of the District with full voting representation by two Senators and a House Member, guaranteeing the residents of the Nation's capital with the same right to partake in our democracy that the citizens of all 50 States enjoy. Despite this bill's title, it would not exempt residents of the District from paying taxes.

In May 2002, the Governmental Affairs Committee, which I then chaired, held the first hearing since 1994 on this issue. Five months later, in October, the committee reported out legislation similar to the bill we introduce today. I was and am still proud of that accomplishment. Unfortunately, it was not enough. The bill died on the Senate floor, and with it, the hope of D.C. residents for equal voting rights.

The people of this city literally fight and die for their country. They help pay for the benefits to which all Americans are entitled. And yet, they are denied voting representation.

It is painfully ironic that we are introducing this legislation even as the young men and women, including many from the District of Columbia, are dying in Iraq so that Iraqis may live and vote in a representative democracy. About 1,000 Army and Air National Guardsmen and women from the District have been called upon to help fight the war on terrorism. Three have died in Iraq and one in Afghanistan. Yet, to our shame, these brave men and women cannot choose representatives to the Federal legislature that governs them and thus have no say in when or whether the nation should go to war.

The people of this city, more than most, live under the near constant threat of terrorism, and have been mightily inconvenienced by security precautions because of that threat. And despite Congresswoman NORTON's ability to vote in committee, residents of D.C. have no one who can vote when homeland and national security policies are being crafted. A representative without the power to vote on the floor of the House simply isn't a real representative.

Furthermore, the citizens of Washington, D.C., pay income taxes just like everyone else. Only, they pay more. Per capita, District residents have the third highest Federal tax obligation. And yet they have no voice in how high those taxes will be nor how they will be spent.

The vast majority of Americans believe that D.C. residents have voting representation in the Congress. When informed that they don't, 82 percent of Americans, according to one poll, by the advocacy group D.C. Vote, say that they should.

In righting this wrong, we won't only be following the will of the American people. We will be following the imperative of our history. When they placed our Capital, which was not yet established in their day, under the jurisdiction of the Congress, the Framers of our Constitution in effect placed with Congress the solemn responsibility of assuring that the rights of D.C. citizens would be protected in the future, just as it is our responsibility to protect the rights of all citizens throughout this great country. Congress has failed to meet this obligation for more than 200 years, and I, for one, am not prepared to make D.C. citizens wait another 200 years.

In the words of this city's namesake, our first President, ''Precedents are dangerous things; let the reins of government then be braced and held with a steady hand, and every violation of the Constitution be reprehended: If defective let it be amended, but not suffered to be trampled upon whilst it has an existence.''

The people of D.C. have suffered from this Constitutional defect for far too long. Let's reprehend it and amend it together. I urge all of my colleagues to support this essential legislation.

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

S. 195

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 ''No Taxation Without Representation Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The residents of the District of Columbia are the only Americans who pay Federal income taxes and who have fought and died in every American war but are denied voting representation in the House of Representatives and the Senate.

(2) The residents of the District of Columbia suffer the very injustice against which our Founding Fathers fought, because they do not have voting representation as other taxpaying Americans do and are nevertheless required to pay Federal income taxes unlike the Americans who live in the territories.

(3) The principle of one person, one vote requires that residents of the District of Columbia are afforded full voting representation in the House and the Senate.

(4) Despite the denial of voting representation, Americans in the Nation's Capital are third among residents of all States in per capita income taxes paid to the Federal Government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the Nation and the strongly held principles of the American people today.

SEC. 3. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

For the purposes of congressional representation, the District of Columbia, constituting the seat of government of the United States, shall be treated as a State, such that its residents shall be entitled to elect and be represented by 2 Senators in the United States Senate, and as many Representatives in the House of Representatives as a similarly populous State would be entitled to under the law.

SEC. 4. ELECTIONS.

(a) FIRST ELECTIONS.—

(1) PROCLAMATION.—Not later than 30 days after the date of enactment of this Act, the Mayor of the District of Columbia shall issue a proclamation for elections to be held to fill the 2 Senate seats and the seat in the House of Representatives to represent the District of Columbia in Congress.

(2) MANNER OF ELECTIONS.—The proclamation of the Mayor of the District of Columbia required by paragraph (1) shall provide for the holding of a primary election and a general election and at such elections the officers to be elected shall be chosen by a popular vote of the residents of the District of Columbia. The manner in which such elections shall be held and the qualification of voters shall be the same as those for local elections, as prescribed by the District of Columbia.

(3) CLASSIFICATION OF SENATORS.—In the first election of Senators from the District of Columbia, the 2 senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the 2 senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) CERTIFICATION OF ELECTION.—The results of an election for the Senators and Representative from the District of Columbia shall be certified by the Mayor of the District of Columbia in the manner required by law. The Senators and Representative elected shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the States in the Congress of the United States.

SEC. 5. HOUSE OF REPRESENTATIVES MEMBERSHIP.

(a) IN GENERAL.—Upon the date of enactment of this Act, the District of Columbia shall be entitled to 1 Representative until the taking effect of the next reapportionment. Such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(b) INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.—Upon the date of enactment of this Act, the permanent membership of the House of Representatives shall increase by 1 seat for the purpose of future reapportionment of Representatives.

(c) REAPPORTIONMENT.—Upon reapportionment, the District of Columbia shall be entitled to as many seats in the House of Representatives as a similarly populous State would be entitled to under the law.

(d) DISTRICT OF COLUMBIA DELEGATE.—Until the first Representative from the District of Columbia is seated in the House of Representatives, the Delegate in Congress from the District of Columbia shall continue to discharge the duties of his or her office.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, and Mr. JOHNSON):

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MIKULSKI of Maryland and seven of our colleagues in introducing legislation to repeal one of the most egregious tax subsidies found in the U.S. Tax Code. Believe it or not, U.S. companies that move their manufacturing plants and good-paying jobs overseas will be rewarded with billions of dollars in tax breaks over the next 10 years. Unfortunately for both American workers and American taxpayers, this is absolutely true. Our bill will repeal this wrong-headed fiscal policy that has worked against the interest of American manufacturers for so many years.

Let me describe how this perverse tax subsidy works. Imagine two competing U.S. companies manufacturing a product for sale in this country. Company A has a plant with American workers. It sells its product here at home, immediately paying U.S. taxes on its profits. Company B, however, decides to shut down its U.S. plant, fire its American workers and build a new plant in a foreign country because it can produce the same goods at lower cost there, using underpaid foreign workers. Moreover, Company B pays almost no taxes in the foreign country and no taxes currently in the United States because it is entitled to tax ''deferral'' under our income tax laws. The Federal Tax Code allows firms like Company B to defer paying any U.S. income taxes on the earnings from those now foreign-manufactured products until those profits are returned, if ever, to this country.

In other words, when United States companies close down a manufacturing plant such as Huffy bicycles or Radio Flyer little red wagons, fire their American workers and move those good-paying jobs to countries like China, United States tax law actually gives these companies a large tax break. This tax break is not available to American companies that make the very same products here on American soil. So the U.S. company that decides to stay at home suffers a competitive disadvantage, a disadvantage that our tax laws have helped to create.

The congressional Joint Committee on Taxation says that this tax ''deferral'' loophole will dole out some $6.5 billion in tax breaks over the next decade to U.S. manufacturing companies that pack up their operations and relocate abroad. This tax loophole likely contributed to a loss of some 2.7 million U.S. manufacturing jobs since 2000 and encouraged the creation of over 1 million new jobs in the foreign manufacturing affiliates of U.S companies since 1993.

Last May, Senator MIKULSKI and I offered an amendment on the Senate floor to try to shut down this perverse $6.5 billion tax break. Our effort was supported by a number of organizations concerned about the loss of good-paying U.S. manufacturing jobs, including the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America—UAW; the AFL–CIO; the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; the International Brotherhood of Electrical Workers; and the Union of Needletrades, Industrial and Textile Workers, UNITE.

Regrettably, our amendment failed to get the votes it needed to pass. The powerful lobby for large multinational firms was able to keep this tax loophole fully intact. But I intend to offer this proposal again and again until this tax subsidy is finally repealed.

Frankly, I strongly disagree with the majority in the Senate that voted to retain this ill-conceived tax break, which hurts American businesses and workers. By their vote, our opponents essentially said let's continue to give enormous tax breaks that encourage U.S. companies to move their operations overseas and contributes to the dislocation of thousands of American workers.

The bill we are introducing today, like last year's amendment, is carefully targeted. It applies only to U.S. firms that move production overseas to low-tax countries and then turn around and import those products for sale here in the United States. Repealing this U.S. jobs export tax subsidy will not hurt the ability of U.S. firms to compete against foreign competitors in foreign markets.

In the final analysis, the approach taken in our legislation is measured and long overdue. As we work in Congress to reform the tax system in the coming year and shut down a number of arcane tax loopholes, this one should be at the top of the list. I urge you to cosponsor this bill.

By Mrs. BOXER:

S. 197. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today in Glendale, CA, there was a tragic commuter train crash. All of the details of the crash are not available at this moment. However, at least 10 people were killed and over 100 injured. The National Transportation Safety Board has already sent a team to investigate.

I have been talking about the problem of grade crossings and the need for grade separations for several years.

According to the Federal Railroad Administration, ''grade crossings are the site of the greatest number of collisions and injuries'' in the railroad industry. In 2000, there were 3,502 incidents at grade crossings.

In addition, the large volume of freight train traffic from California's ports to the rest of the Nation is a public safety hazard on many communities

in California where traffic, including emergency vehicles, is severely delayed at these grade crossings.

In Riverside, CA, from January 2001 to January 2003, trains delayed ambulance and fire protection 88 times. This translates into more people possibly dying from health emergencies such as heart attacks and larger and more deadly fires. If there is another terrorist attack, imagine what would happen if emergency first responders could not get across the tracks.

To address the safety problem of accidents and other safety hazards at grade crossings, I am introducing the Rail Crossing Safety Act, part of which passed the Senate twice in the last Congress as part larger railroad bills considered in the Commerce Committee.

This legislation would direct the Secretary of Transportation, in consultation with State and local government officials, to conduct a study of the impact of grade crossings both on accidents and on the ability of emergency responders to perform public safety and security duties. This would include the ability of police, fire, ambulances, and other emergency vehicles to cross the railroad tracks during emergencies.

The second part of the legislation would authorize funds for the Secretary of Transportation to provide grants to State and local governments to undertake grade separations, in other words to build bridges and tunnels.

Today's incident in Glendale only underscores the needs to make our streets and rail lines safer. I urge my colleagues to support the bill.

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

S. 200. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President a mere 20 minutes away from the hustle and bustle of the booming city of Atlanta, GA, lies a quiet refuge that cradles historical remnants and nature's beauty. This area around Arabia Mountain houses the ecosystems of endangered species, historic structures, and archeological sites—a treasure deserving of our protection and our admiration.

Arabia Mountain's proximity to Atlanta makes it accessible to millions of Americans, but it also puts this national treasure in danger of urban sprawl. No condominium development should destroy the ancient soapstone quarry which attracted Native Americans over thousands of years ago. Nor should a strip mall tarnish the pristine land which contains farms from the days when the area was the heart of Georgia's dairy industry and which contains remnants of Georgia's Gold Rush in the 1820s.

I, along with my colleague Senator ISAKSON, have introduced legislation to designate Arabia Mountain, which encompasses land in DeKalb County, Rockdale County, and Henry County, as a National Heritage Area. This designation will help preserve the rare and endangered species that inhabit the land, and it will save historic buildings from the wrecking ball that often comes with modernization.

Arabia Mountain and its surrounding area is the product of significant geological changes. Starting several thousand years ago with the quarrying and trading of soapstone, the history of human settlement in the area is closely connected to its geological resources. It would be a shame to allow a decade of uncontrolled growth to deny future generations from enjoying the history and natural beauty of this land.

The quest to obtain National Heritage designation for Arabia Mountain began as a concept between conservationists, neighborhood activists, landowners, and concerned citizens, and support has grown ever since. Local Georgians even voted to tax themselves to support the project. Support has come from both sides of the aisle in both houses of Congress.

I would like to thank all of those who have worked so hard for this designation—Kelly Jordan, Chair of the Arabia Mountain Heritage Area Alliance; Mayor Marcia Glenn, of Lithonia; Vernon Jones, CEO of DeKalb County; Mark Towe and Glen Culpepper; and Senator Zell Miller and Congresswoman Denise Majette for their efforts in the 108th Congress on this issue. I ask my colleagues to support the preservation of this truly deserving area.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 13—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 13

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,923,302.

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,133,032.

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,185,132.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 14—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 14

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its Jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2005, through September 30, 2005; October 1, 2005 to September 30, 2006, and October 1, 2006 through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,090,901, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed

$3,670,623, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $1,562,289, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Ar1ns and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005: October 1. 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007 to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 15—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 15

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking. Housing. and Urban Affairs is authorized from March 1, 2005 through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28. 2007, in its discretion (1) to make expenditures from the contingent. fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $3,196,078 of which amount (1) not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,611,167 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1200 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,388,363 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers- shall not be required (1) for the disbursement of salaries of employees paid at an annual rate. or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 16—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. COLLINS submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 16

Resolved,

SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the ''committee'') is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $5,112,891, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,977,796, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,821,870, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate

at the earliest practicable date, but not later than February 28, 2007.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2005, through September 30, 2005, for the period October 1, 2005, through September 30, 2006, and for the period October 1, 2006, through February 28, 2007, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2005, through February 28, 2007, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66, agreed to February 26, 2003 (108th Congress), are authorized to continue.

SENATE RESOLUTION 17—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 17

Resolved,

SECTION 1. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) IN GENERAL.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,696,689, of which amount—

(1) not to exceed $4,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—For the period October 1, 2005,

through September 30, 2006, the expenses of the committee under this resolution shall not exceed $4,732,998, of which amount—

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,014,046, of which amount—

(1) not to exceed $3,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES.—

(1) IN GENERAL.—Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(D) payments to the Postmaster, United States Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations of the Senate''.

SENATE RESOLUTION 18—COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ EXTERMINATION CAMP IN POLAND

Mr. TALENT (for himself, Mr. LUGAR, Mr. FRIST, Mr. WYDEN, Mrs. DOLE, Mr. DODD, Ms. MIKULSKI, Mr. LEVIN, Mr. LAUTENBERG, Mr. ALEXANDER, Mr. VOINOVICH, Mr. COLEMAN, and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

S. RES. 18

Whereas on January 27, 1945, the Auschwitz extermination camp in Poland was liberated by Allied Forces during World War II after almost 5 years of murder, rape, and torture;

Whereas more than 1,000,000 innocent civilians were murdered at the Auschwitz extermination camp;

Whereas the Auschwitz extermination camp symbolizes the brutality of the Holocaust;

Whereas Americans must never forget the terrible crimes against humanity committed at the Auschwitz extermination camp and must educate future generations to promote understanding of the dangers of intolerance in order to prevent similar injustices from happening again; and

Whereas commemoration of the liberation of the Auschwitz extermination camp will instill in all Americans a greater awareness of the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates January 27, 2005, as the 60th anniversary of the liberation of the Auschwitz extermination camp by Allied Forces during World War II; and

(2) calls on all Americans to remember the more than 1,000,000 innocent victims murdered at the Auschwitz extermination camp as part of the Holocaust.

SENATE RESOLUTION 19—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 19

Resolved, That, in carrying out its powers; duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1 2005, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,124,384.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $1,972,189.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $838,771.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 2005.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery; United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through February 28, 2007, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 20—DESIGNATING JANUARY 2005 AS ''NATIONAL MENTORING MONTH''

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Ms. MIKULSKI, Mr. BAYH, Mr. DOMENICI, Mr. LEVIN, Mr. CONRAD, Mr. DAYTON, Ms. LANDRIEU, Mr. JOHNSON, Mr. NELSON of Nebraska, Ms. STABENOW, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 20

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas mentoring is a proven, effective strategy to enable caring, responsible adults to provide guidance and build confidence, stability, and direction for individual children;

Whereas research demonstrates that mentoring has a positive impact on students by increasing attendance at school, improving rates of high-school graduation and college attendance, and reducing involvement with drugs, alcohol, and violent behavior;

Whereas over 17,000,000 children in the United States today need or want a mentor, but only 2,000,000 are in mentoring relationships, leaving a ''mentoring gap'' of 15,000,000 young people;

Whereas the establishment of a National Mentoring Month will emphasize the importance of mentoring and pay tribute to the

many Americans already involved in mentoring;

Whereas a month-long celebration of mentoring will encourage more organizations, such as schools, businesses, faith communities, and individuals to get involved in mentoring; and

Whereas celebrations of mentoring would encourage more individuals to volunteer as mentors and help close the mentoring gap: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the month of January 2005 as ''National Mentoring Month'';

(2) recognizes that the President issued a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities to promote awareness of mentoring and to encourage many more Americans to participate in mentoring; and

(3) recognizes with great appreciation the contributions of millions of caring adults who now serve as mentors and encourages more adults to give of their time and become mentors as an essential part of school reform.

SENATE RESOLUTION 21—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 21

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2005, through September 30, 2005, and October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.

(a) The expense of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,302,943, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $2,286,820, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $973,120, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3.

The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4.

Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5.

There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE CONCURRENT RESOLUTION 6—HONORING THE LIFE AND CONTRIBUTION OF YOGI BHAJAN, A LEADER OF THE SIKHS, AND EXPRESSING CONDOLENCES TO THE SIKH COMMUNITY ON HIS PASSING

Mr. BINGAMAN (for himself, Mr. CORNYN, and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 6

Whereas the Sikh faith was founded in the northern section of the Republic of India in the 15th century by Guru Nanak, who preached tolerance and equality for all humans;

Whereas the Sikh faith began with a simple message of truthful living and the fundamental unity of humanity, all created by one creator who manifests existence through every religion;

Whereas the Sikh faith reaches out to people of all faiths and cultural backgrounds, encourages individuals to see beyond their differences, and to work together for world peace and harmony;

Whereas Siri Singh Sahib Bhai Sahib Harbhajan Singh Khalsa Yogiji, known as Yogi Bhajan to hundreds of thousands of people worldwide, was born Harbhajan Singh Puri on August 26, 1929, in India;

Whereas at age 8, Yogi Bhajan began yogic training, and 8 years later was proclaimed by his teacher to be a master of Kundalini Yoga, which stimulates individual growth through breath, yoga postures, sound, chanting, and meditation;

Whereas during the turmoil over the partition between Pakistan and India in 1947, at the age of 18, Yogi Bhajan led his village of 7,000 people 325 miles on foot to safety in New Delhi, India, from what is now Lahore, Pakistan;

Whereas Yogi Bhajan, before emigrating to North America in 1968, served the Government of India faithfully through both civil and military service;

Whereas when Yogi Bhajan visited the United States in 1968, he recognized immediately that the experience of higher consciousness that many young people were attempting to find through drugs could be alternatively achieved through Kundalini Yoga, and in response, he began teaching Kundalini Yoga publicly, thereby breaking the centuries-old tradition of secrecy surrounding it;

Whereas in 1969, Yogi Bhajan founded ''Healthy, Happy, Holy Organization (3HO)'', a nonprofit private educational and scientific foundation dedicated to serving humanity, improving physical well-being, deepening spiritual awareness, and offering guidance on nutrition and health, interpersonal relations, child rearing, and human behavior;

Whereas under the direction and guidance of Yogi Bhajan, 3HO expanded to 300 centers in 35 countries;

Whereas in 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of Siri Singh Sahib, which made him the chief religious and administrative authority for Sikhism in the Western Hemisphere, and subsequently the Sikh seat of religious authority gave him responsibility to create a Sikh ministry in the West;

Whereas in 1971, Sikh Dharma was legally incorporated in the State of California and recognized as a tax-exempt religious organization by the United States, and in 1972, Yogi Bhajan founded the ashram Sikh Dharma in Española, New Mexico;

Whereas in 1973, Yogi Bhajan founded ''3HO SuperHealth'', a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West;

Whereas in June 1985, Yogi Bhajan established the first ''International Peace Prayer Day Celebrations'' in New Mexico, which still draws thousands of participants annually;

Whereas Yogi Bhajan traveled the world calling for world peace and religious unity at meetings with leaders such as Pope Paul VI; Pope John Paul II; His Holiness the Dalai Lama; the President of the former Union of Soviet Socialist Republics, Mikhail Gorbachev; and two Archbishops of Canterbury;

Whereas Yogi Bhajan wrote 30 books and inspired the publication of 200 other books through his teachings, founded a drug rehabilitation program, and inspired the founding of several businesses;

Whereas Sikhs and students across the world testify that Yogi Bhajan exhibited dignity, divinity, grace, commitment, courage,

kindness, compassion, tolerance, wisdom, and understanding;

Whereas Yogi Bhajan taught that in times of joy and sorrow members of the community should come together and be at one with each other; and

Whereas before his passing on October 6, 2004, Yogi Bhajan requested that his passing be a time of celebration of his going home: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the teachings of Yogi Bhajan about Sikhism and yoga, and the businesses formed under his inspiration, improved the personal, political, spiritual, and professional relations between citizens of the United States and the citizens of India;

(2) recognizes the legendary compassion, wisdom, kindness, and courage of Yogi Bhajan, and his wealth of accomplishments on behalf of the Sikh community; and

(3) extends its condolences to Inderjit Kaur, the wife of Yogi Bhajan, his 3 children and 5 grandchildren, and to Sikh and ''Healthy, Happy, Holy Organization (3HO)'' communities around the Nation and the world upon the death on October 6, 2004, of Yogi Bhajan, an individual who was a wise teacher and mentor, an outstanding pioneer, a champion of peace, and a compassionate human being.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators DOMENICI and CORNYN, to introduce a resolution honoring the life of Yogi Bhajan. Yogi Bhajan, the chief religious and administrative authority for Sikhism in the West, died in Española, NM on October 6, 2004 at the age of seventy-five. Born Harbhajan Singh Puri on August 26, 1929 in Northern India, now Pakistan, he began yogic training at age 8 and was proclaimed a master of Kundalini Yoga by age 16. After the partition of India and Pakistan in 1947, his family migrated to New Delhi, India where he continued his education. After graduating from Punjab University in economics, he worked for India's Internal Revenue Service and later became head of customs at the New Delhi Airport.

Yogi Bhajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and the fundamental unity of humanity, and reaches out to people of all backgrounds to work together for world peace. When he came to North America in 1968 he recognized that the experience sought by many young people through drugs could be alternatively achieved through Kundalini Yoga, which stimulates individual growth through breath, chanting, and meditation among other components. Breaking the centuries old tradition of secrecy surrounding Kundalini Yoga, he began teaching it publicly. Soon after, he founded the Healthy, Happy, Holy Organization, 3HO, a nonprofit private educational and scientific foundation with 300 centers in 35 countries, dedicated to improving physical well-being, deepening spiritual awareness, and offering guidance on matters of health and heart. He later founded 3HO SuperHealth, a successful drug rehabilitation program, blending ancient yogic wisdom of the east with the modern technology of the west. SuperHealth was accredited by the Joint Commission on Accreditation of Healthcare Organizations and received its highest commendation. In 1973 it distinguished itself as being in the top 10 percent of all treatment programs throughout the U.S. In 1989 Yogi Bhajan met with then President Mikhail Gorbachev and established addiction treatment programs in Russia based on the 3HO SuperHealth model. Currently a pilot project of SuperHealth is being formed by the Punjab State Government in India. He taught Yoga in Toronto and Los Angeles and finally founded a Sikh Dharma community in Española, New Mexico. In 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of chief religious and administrative authority for Sikhism in the Western Hemisphere. About 250,000 Sikhs now reside across the United States, including a community of about 500 families in Northern New Mexico.

Yogi Bhajan wrote 30 books and inspired 200 more through his teaching, and inspired the founding of several businesses, including Akal Security, Inc. He had an inclusive view of the world's major religions and considered all of them valid. Throughout his lifetime, he traveled the world and met with world leaders such as Pope John Paul II and the Dalai Lama to discuss world peace and religious unity. In June 1985, Yogi Bhajan established the first International Peace Prayer Day Celebration in New Mexico that still draws thousands of participants annually.

After the events of 9/11/01, Yogi Bhajan reached out to Sikhs across America, encouraging and helping them to educate their fellow citizens about Sikhs, and to work with law enforcement and community leaders to help them protect Sikh populations. His efforts have helped contribute to the opening of some major law enforcement agencies to Sikh employees, including the Los Angeles County Sheriff's Department. Yogi Bhajan established links to human rights advocates nationwide, working to make sure that the issue of Sikh identity is understood and respected. When Balbir Singh Sodhi was murdered in Phoenix 5 days after 9/11 because of his beard and turban, Yogi Bhajan worked with community and government leaders in Arizona to help raise awareness about the Sikh community there.

Yogi Bhajan is survived by his wife, Inderjit Kaur; two sons, Ranbir Singh and Kulbir Singh; a daughter, Kamaljit Kaur; and five grandchildren. He will be missed by his family, followers and his friends, and his contribution to the cause of world peace will be remembered and celebrated for generations to come.

SENATE CONCURRENT RESOLUTION 7—CONGRATULATING THE PEOPLE OF UKRAINE FOR CONDUCTING A DEMOCRATIC, TRANSPARENT, AND FAIR RUNOFF PRESIDENTIAL ELECTION ON DECEMBER 26, 2004, AND CONGRATULATING VIKTOR YUSHCHENKO ON HIS ELECTION AS PRESIDENT OF UKRAINE AND HIS COMMITMENT TO DEMOCRACY AND REFORM

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. LEVIN, and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 7

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system have been prerequisites for that country's full integration into the international community of democracies;

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE);

Whereas the election of Ukraine's next president was seen as an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas efforts by national and local officials and others acting at the behest of such officials to impose obstacles to free assembly, free speech, and a free and fair political campaign took place throughout Ukraine during the entire 2004 presidential election campaign without condemnation or remedial action by the Government of Ukraine;

Whereas on October 31, 2004, Ukraine held the first round of its presidential election and on November 21, 2004, Ukraine held a runoff presidential election between the two leading candidates, Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko;

Whereas a consensus of Ukrainian and international election observers determined that the runoff election did not meet a considerable number of international standards for democratic elections, and these observers specifically declared that state resources were abused in support of Viktor Yanukovich, and that illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, and the use of counterfeit ballots were widespread;

Whereas following the runoff presidential election on November 21, 2004, tens of thousands of Ukrainian citizens engaged in peaceful demonstrations in Kiev and elsewhere to protest the unfair election and the

declaration by the Ukrainian Central Election Commission that Viktor Yanukovich had won a majority of the votes;

Whereas, on November 25, 2004, the Ukrainian Supreme Court blocked the publication of the official runoff election results thus preventing the inauguration of the next president of Ukraine until the Supreme Court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff presidential election on November 21, 2004, and that the results of the election did not reflect the will of the Ukrainian people;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion regarding the government of Prime Minister Viktor Yanukovich;

Whereas European mediators and current Ukrainian President Leonid Kuchma began discussions on December 1, 2004, to attempt to work out a resolution to the standoff between the supporters of both presidential candidates;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the runoff presidential election on November 21, 2004, was invalid and ordered a new presidential election to take place on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed laws to reform the Ukrainian electoral process, including to reconstitute the Ukrainian Central Election Commission, and to close loopholes for fraud in preparation for a new presidential election;

Whereas on December 26, 2004, the people of Ukraine again went to the polls to elect the next president of Ukraine in what the consensus of domestic and international observers declared as a more democratic, transparent, and fair election process with fewer problems than the previous two rounds;

Whereas on January 10, 2005, the election victory of opposition leader Viktor Yushchenko was certified by the Ukrainian Central Election Commission; and

Whereas the runoff presidential election on December 26, 2004, signifies a turning point for Ukraine which offers new hope and opportunity to the people of Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people and Government of Ukraine for their commitment to democracy and their determination to end the political crisis in that country in a peaceful and democratic manner;

(2) congratulates the people and Government of Ukraine for ensuring a free and fair runoff presidential election which represents the true choice of the Ukrainian people;

(3) congratulates Viktor Yushchenko on his election as President of Ukraine;

(4) applauds the Ukrainian presidential candidates, the European Union and other European representatives, and the United States Government for the role they played in helping to find a peaceful resolution of the crisis;

(5) acknowledges and welcomes the strong relationship formed between the United States and Ukraine and expresses its strong and continuing support for the efforts of the Ukrainian people and the new Government of Ukraine to establish a full democracy, the rule of law, and respect for human rights; and

(6) pledges its assistance to the strengthening of a fully free and open democratic system in Ukraine, the creation of a prosperous free market economy in Ukraine, the reaffirmation of Ukraine's independence and territorial sovereignty, and Ukraine's full integration into the international community of democracies.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled Forecasting the Future: U.S. Energy Challenges in the Global Context, will be held on Thursday, February 3 at 10 a.m. in Room SD–366.

The purpose of the hearing is to receive testimony regarding global energy trends and their potential impact on U.S. energy needs, security and policy. The Energy Information Administration will discuss the 2005 Annual Energy Outlook. Additional experts will offer their perspectives on emerging world energy trends, including the key factors affecting energy supply (such as OPEC and Russia) and energy demand (such as Asia).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Shane Perkins at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRAIG, Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, January 26, 2005. The purpose of this meeting will be to discuss the organization of the committee for the 109th Congress.

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

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 January 26, 2005, at 4 p.m., in closed session to receive testimony on current military operations in Iraq and Afghanistan.

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 Wednesday, January 26, 2005, at 10 a.m., to conduct an executive session for the purpose of approving the committee budget and the committee rules.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Wednesday, January 26, 2005, at 9:15 a.m., to conduct a business meeting to consider the committee funding resolution and the committee rules. The hearing will be held in SD 406.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, January 26 at 9:30 a.m., to consider pending calendar business.

Agenda

On Wednesday, January 26, at 9:30 a.m., the committee will hold a business meeting in Dirksen 366 to consider the following items on the agenda:

Agenda Item 1: The Committee's Budget Resolution for a 2-year period, March 1, 2005 through February 28, 2007.

Agenda Item 2: To consider the nomination of Samuel W. Bodman, to be Secretary of Energy.

In addition, the committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, January 26, 2005, at 10 a.m., for a hearing titled ''The Department of Homeland Security: The Road Ahead.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, January 26, 2005, at a time and location to be determined to hold a business meeting to consider the committee's funding resolution for the 109th Congress.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, January 26, 2005, at 10:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to consider the

committee budget resolution and proposed change to the committee rules and any other organizational business the committee needs to attend to.

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 Wednesday, January 26, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Alberto Gonzales to be the Attorney General of the United States.

II. Legislation: S. 5, Class Action Fairness Act of 2005.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for an organization and business meeting on Wednesday, January 26, 2005, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2005, at 2:30 p.m. to hold a closed meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, January 26, 2005, from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Clear Air, Climate Change, and Nuclear Safety be authorized to meet on Wednesday, January 26, 2005, at 10 a.m. to conduct a hearing regarding multiemissions legislation. The hearing will be held in SD 406.

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

PRIVILEGE OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that a congressional fellow in my office, John Plumb, from LaFayette, CO, be granted the privileges of the floor for the purposes of the bill introduction.

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

ADJOURNMENT UNTIL MONDAY, JANUARY 31, 2005, AT 1 P.M.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 21, 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. 21) was agreed to, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 26, 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, February 1, 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 Wednesday, January 26, 2005, or Thursday, January 27, 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 Monday, January 31, 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.

Passed the House of Representatives January 25, 2005.

CONGRATULATING VIKTOR YUSHCHENKO ON HIS ELECTION AS PRESIDENT OF UKRAINE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Con. Res. 7, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 7) congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of that concurrent resolution.

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

Mr. DURBIN. Mr. President, I would like to comment. We have a sizable Ukrainian-American population in Illinois, particularly Chicago, that followed this election closely. My son lives in a section known as Ukraine Village, and the neighborhood was covered with orange ribbons in support of the newly elected president. So I am happy to join in passing this resolution.

Mr. MCCONNELL. I thank my friend from Illinois.

Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (S. Con. Res. 7) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 7

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system have been prerequisites for that country's full integration into the international community of democracies;

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE);

Whereas the election of Ukraine's next president was seen as an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas efforts by national and local officials and others acting at the behest of such officials to impose obstacles to free assembly, free speech, and a free and fair political campaign took place throughout Ukraine during the entire 2004 presidential election campaign without condemnation or remedial action by the Government of Ukraine;

Whereas on October 31, 2004, Ukraine held the first round of its presidential election and on November 21, 2004, Ukraine held a runoff presidential election between the two leading candidates, Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko;

Whereas a consensus of Ukrainian and international election observers determined that the runoff election did not meet a considerable number of international standards for democratic elections, and these observers specifically declared that state resources were abused in support of Viktor Yanukovich, and that illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, and the use of counterfeit ballots were widespread;

Whereas following the runoff presidential election on November 21, 2004, tens of thousands of Ukrainian citizens engaged in

peaceful demonstrations in Kiev and elsewhere to protest the unfair election and the declaration by the Ukrainian Central Election Commission that Viktor Yanukovich had won a majority of the votes;

Whereas, on November 25, 2004, the Ukrainian Supreme Court blocked the publication of the official runoff election results thus preventing the inauguration of the next president of Ukraine until the Supreme Court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff presidential election on November 21, 2004, and that the results of the election did not reflect the will of the Ukrainian people;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion regarding the government of Prime Minister Viktor Yanukovich;

Whereas European mediators and current Ukrainian President Leonid Kuchma began discussions on December 1, 2004, to attempt to work out a resolution to the standoff between the supporters of both presidential candidates;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the runoff presidential election on November 21, 2004, was invalid and ordered a new presidential election to take place on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed laws to reform the Ukrainian electoral process, including to reconstitute the Ukrainian Central Election Commission, and to close loopholes for fraud in preparation for a new presidential election;

Whereas on December 26, 2004, the people of Ukraine again went to the polls to elect the next president of Ukraine in what the consensus of domestic and international observers declared as a more democratic, transparent, and fair election process with fewer problems than the previous two rounds;

Whereas on January 10, 2005, the election victory of opposition leader Viktor Yushchenko was certified by the Ukrainian Central Election Commission; and

Whereas the runoff presidential election on December 26, 2004, signifies a turning point for Ukraine which offers new hope and opportunity to the people of Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people and Government of Ukraine for their commitment to democracy and their determination to end the political crisis in that country in a peaceful and democratic manner;

(2) congratulates the people and Government of Ukraine for ensuring a free and fair runoff presidential election which represents the true choice of the Ukrainian people;

(3) congratulates Viktor Yushchenko on his election as President of Ukraine;

(4) applauds the Ukrainian presidential candidates, the European Union and other European representatives, and the United States Government for the role they played in helping to find a peaceful resolution of the crisis;

(5) acknowledges and welcomes the strong relationship formed between the United States and Ukraine and expresses its strong and continuing support for the efforts of the Ukrainian people and the new Government of Ukraine to establish a full democracy, the rule of law, and respect for human rights; and

(6) pledges its assistance to the strengthening of a fully free and open democratic system in Ukraine, the creation of a prosperous free market economy in Ukraine, the reaffirmation of Ukraine's independence and territorial sovereignty, and Ukraine's full integration into the international community of democracies.

ORDERS FOR MONDAY, JANUARY 31, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 21 until 1 p.m. on Monday, January 31. 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 there then 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.

PROGRAM

Mr. MCCONNELL. On Monday, the Senate will be in a period of morning business. It is our hope we will be able to consider any nominations available for Senate action. The nomination of Samuel Bodman was reported earlier today by the Energy and Natural Resources Committee. We hope that nomination can be cleared for action on Monday. We have no requests for a rollcall vote on the Bodman nomination. Therefore, rollcall votes are not anticipated during Monday's session.

Also, earlier today, Chairman SPECTER and the Judiciary Committee reported out the nomination of Alberto Gonzales to be Attorney General. We will consider that nomination, as well, next week.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JANUARY 31, 2005

Mr. MCCONNELL. Therefore, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 21.

There being no objection, the Senate, at 5:30 p.m., adjourned until Monday, January 31, 2005, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, January 26, 2005:

DEPARTMENT OF STATE

CONDOLEEZZA RICE, OF CALIFORNIA, TO BE SECRETARY OF STATE.

DEPARTMENT OF VETERANS AFFAIRS

JIM NICHOLSON, OF COLORADO, TO BE SECRETARY OF VETERANS AFFAIRS.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MICHAEL O. LEAVITT, OF UTAH, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

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.